

By Mr. WHITEHEAD: The petition of citizens of Fincastle township, Virginia, for the repeal of the second section of the act of June 6, 1872, which reduced by 10 per cent. the duties on certain imports, to the Committee on Ways and Means.

By Mr. ——: A paper for a post-route from Madison, via Saint Magdalene and New Marion, to Holton, in Ripley County, Indiana, to the Committee on the Post-Office and Post-Roads.

IN SENATE.

FRIDAY, April 3, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.
The Journal of yesterday's proceedings was read and approved.

PROPOSED ADJOURNMENT TO MONDAY.

Mr. ANTHONY. Mr. President, as the good faith of the motion I made yesterday to adjourn over Good Friday was questioned by some Senators very broadly, I have taken the pains to look at the precedents. Last year, 1873, we were not in session on Good Friday. March 28, 1872, we adjourned over Good Friday until Monday, on motion of the Senator from Vermont, [Mr. EDMUNDS,] who is now absent on account of his health. March 29, 1866, we adjourned over Good Friday until Monday. In 1868 the impeachment trial was pending, and on that account there was no adjournment over on Good Friday. I think until the war we always adjourned over on Good Friday, although I am not certain. Now, Mr. President, I move that the Senate adjourn until Monday.

Mr. MORTON. Is that motion in order?

The PRESIDENT *pro tempore*. It is.

Mr. MORTON. The Senator moves that the Senate adjourn until Monday.

Mr. HAMLIN. No; that when the Senate adjourns.

Mr. FERRY, of Michigan. That motion is debatable, I think.

The PRESIDENT *pro tempore*. The Chair on consultation is advised that the motion is not in order in the morning hour, if objected to.

Mr. ANTHONY. Then I move that we proceed to the consideration of the motion that was pending when we adjourned last evening.

The PRESIDENT *pro tempore*. The Senator must move to suspend the morning hour business in order to get the floor for this purpose.

Mr. ANTHONY. That can only be done by unanimous consent, I suppose.

The PRESIDENT *pro tempore*. The Senator can move to suspend the pending order, the morning hour business, in order to submit his motion; or he can submit it by unanimous consent.

Mr. ANTHONY. Then I move to suspend the business of the morning hour with a view to enable me to submit a motion to adjourn over.

Mr. SHERMAN. The Senator will observe that the unfinished business at one o'clock will be the very motion that he now desires to call up. Why not suspend it, then, during the morning hour? We shall not be very much damaged if we spend an hour in the transaction of the ordinary morning business.

Mr. ANTHONY. I have no conscientious scruples about sitting on Good Friday. There are members of this body who have conscientious scruples; there are members of this body to whom it is painful to be here on this day; and I believe in religious freedom; and on their account, as well as in accordance with the general custom, I have made this motion. I should prefer to have the motion acted upon now, but if it is to be debated until one o'clock, we might as well go on with the morning business. Therefore, I will wait until the motion comes up in its order. If the question can be taken without debate, I should prefer it; but if it is to be debated, we might as well debate more profitable business and wait until it comes up in its regular order.

The PRESIDENT *pro tempore*. The Senator withdraws the motion. Petitions and memorials are in order.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the Legislature of the Territory of New Mexico, in relation to the construction of a military telegraph from Santa Fé to the various military posts in that Territory; which was referred to the Committee on Military Affairs.

Mr. SCOTT presented the petition of James B. Thompson, late captain of Company F, One hundred and ninetieth Pennsylvania Volunteers, praying that he be paid the pay and allowances of a first lieutenant of infantry from June 6, 1864, to September 19, 1864, and of a captain of infantry from September 19, 1864, to March 1, 1865; which was referred to the Committee on Military Affairs.

Mr. HARVEY presented a petition of citizens of Cowley County, Kansas, asking protection against outrages by the Osage Indians; which was referred to the Committee on Indian Affairs.

Mr. LEWIS presented the petition of R. S. Allen, praying to be reimbursed for the amount of certain gold coin purchased by him at the sale of the assets of the Exchange Bank of Virginia; which was referred to the Committee on Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BAYARD, it was

Ordered, That the petition and papers of Niel Nielsson be taken from the files and referred to the Committee on Pensions.

On motion of Mr. WRIGHT, it was

Ordered, That the petition and papers in the case of William H. Manning, asking compensation for timber taken by the United States, be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. HARVEY, it was

Ordered, That the petition and papers of John Birkett be taken from the files and referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. GOLDFTHWAITE, from the Committee on Claims, to whom was referred the bill (S. No. 60) for the relief of P. O'Donnell, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of George W. Stuart, praying compensation for services rendered as messenger to R. H. Rousseau, while minister to Honduras, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of John J. Anderson, surviving copartner of Anderson & White, praying compensation for the loss of cotton during the late war, submitted a report accompanied by a bill (S. No. 657) for the relief of John J. Anderson, surviving copartner of Anderson & White.

The bill was read and passed to a second reading; and the report was ordered to be printed.

Mr. KELLY, from the Committee on Public Lands, to whom was referred the bill (S. No. 624) to authorize the issuance of patents for lands granted to the State of Oregon in certain cases, reported it with an amendment.

Mr. WADLEIGH, from the Committee on Military Affairs, to whom was referred the bill (S. No. 28) to set apart a certain portion of the Island of Mackinac, in the Straits of Mackinac, within the State of Michigan, as a national park, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 764) for the relief of John Dold, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1936) for the relief of Dewight Desilva, of Deposit, New York, reported it without amendment.

Mr. HAMILTON, of Texas, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2455) granting an allowance to soldiers who have lost an eye, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Martin V. Jackson, of Kansas, praying for a pension, submitted a report accompanied by a bill (S. No. 658) granting a pension to Martin V. Jackson. The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. SPENCER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 2550) making an appropriation for the payment of teachers in the public schools in the District of Columbia, and providing for the levy of a tax to reimburse the same, reported it without amendment.

BILLS INTRODUCED.

Mr. BAYARD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 659) for the relief of Niel Nielsson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LEWIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 660) for the relief of Richard S. Allen, of Richmond, Virginia; which was read twice by its title, and referred to the Committee on Claims.

ASBURY DICKINS.

The PRESIDENT *pro tempore*. If there be no further morning business, the Secretary will report the first bill on the Calendar.

The CHIEF CLERK. The first bill on the Calendar is the bill (H. R. No. 1580) for the relief of the heirs of Asbury Dickins.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. PRATT. Mr. President, the Senate has listened to the report of the committee. The minority presented their views to the Senate, which have never been read. If those views had been read and listened to attentively, it would not have been necessary for me, belonging to that minority, to say a word in advocacy of the bill. The minority do not differ from the majority in the facts in this case, which are few and simple; they only differ in the construction to be given to the act of Congress of 1792 and the act of 1818, which I will refer to before I sit down.

The facts in the case briefly are as follows, and, as I said before, about these there is no disagreement whatever in the committee: Mr. Dickins, while acting as chief clerk of the Treasury Department, served in the capacity of Secretary *ad interim* of the Department for a period of one hundred and thirty-three days at different times, under the appointment of the President of the United States, that appointment being conferred in conformity with the act of 1792. For

his services as chief clerk he has been paid, but for his services as Secretary *ad interim* of the Treasury Department he never has received any compensation whatever. These services covered a period of four years under some eight different appointments, the first commencing on the 24th of April, 1829, and the last appointment being made on the 29th of May, 1833, the different periods of service aggregating, as I have said, one hundred and thirty-three days. He was subsequent to that time appointed chief clerk of the State Department, and at different periods he received appointments from General Jackson, at that time President of the United States, as Secretary of State *ad interim*, and he served the Government in that capacity at different times, under appointments made from August 10, 1833, to September 27, 1836, the period of two hundred and twenty-six days, and for that service he never received any compensation whatever.

I erred in my statement in relation to his services as Secretary of the Treasury. He did receive pay in that capacity for a period of a little upward of two months. With that exception, however, he never has received any compensation while serving as Secretary of State and Secretary of the Treasury during this period, amounting in all to three hundred and fifty-nine days.

The object of this bill is to pay him for that period of time, deducting what he has received while serving in this capacity as chief clerk in those Departments. It pays him simply the difference between his compensation as clerk and Secretary. Let me illustrate. Suppose that the salary of the Secretary of the Treasury at the time that Mr. Dickins was serving as Secretary *ad interim* was \$6,000—I believe that was the compensation at that time. Suppose further that at that time the compensation of the chief clerk was \$2,000 a year. Here would be a difference of \$4,000 a year in the compensation; and if Mr. Dickins served a year in the capacity of Secretary of the Treasury, we claim that he should be entitled to this difference of \$4,000.

Now, Mr. President, can there be any doubt about the abstract justice of this claim? At that time there was no law forbidding Mr. Dickins from receiving this double compensation. On the contrary, the precedents are numerous that up to the enactment of the law of 1839 men serving the Government in subordinate capacities, but transferred to a higher sphere in the same Department, received the compensation of their chiefs. I have a list here of precedents covering several pages which are all of that character. His claim was recognized at one time, and actually paid for the period of two months and more. It was passed upon at another time and recognized as legal, I believe, but was not paid, because there was no appropriation out of which he could be paid. But, as I have said, the precedents are numerous that he was entitled, while serving in two different capacities, to receive the compensation appertaining to the two offices in which he served. This bill, however, does not propose to pay him the salaries of the two offices, but simply the difference between what he has received and the compensation of the head of the Department whose place he filled for the time being.

Sir, we should have no hesitation whatever in the affairs of ordinary life in applying the principle which we claim is applicable here. If a man serving in the capacity of a clerk or teller in a bank is, on account of the death or the sickness of the cashier, promoted to his place and discharges intelligently all the duties of the cashier for the period of three or six months, no one would hesitate for a moment to say that he should be entitled to the compensation of the cashier during that time.

If an engineer conducting a railroad train were taken sick and a brakeman possessed the competent intelligence and skill to fill his place and run the train for a month or three months, no one would hesitate a moment in saying he was entitled to the compensation of the engineer.

Let me put another case. The chairman of this committee is a lawyer of extensive business and profitable practice. He employs a clerk at a salary of \$1,500 a year to do the scrivener work of his office—to draw his contracts, his mortgages, his deeds, to prepare his pleadings, hunt up the authorities, and to brief his cases. Suppose that the Senator is stricken down by sickness and is unable to attend court and do justice to his clients, and his clerk takes his place for the time being and tries his cases in court; would he hesitate for a moment in saying that that clerk ought to receive a higher compensation than as a mere clerk?

But I need not multiply illustrations. It is very clear to me that if the Secretary of the Treasury was entitled to \$6,000 a year compensation, and Asbury Dickins filled his place for a period of one hundred and thirty-three days with equal intelligence and ability, he ought in justice to receive the same compensation as his chief.

Before I sit down, if I have time, I will cite the Senate to several instances where claims of this character in principle have been allowed and paid under the opinion of the Attorney-General.

On the 11th of August, 1859, the First Auditor of the Treasury examined and adjusted the account of Mr. Dickins, but it was not paid then simply because there was no appropriation applicable. On the 10th of March, 1854, the Senate passed this bill, or one substantially like it. On the 3d of March, 1855, while it was pending in the House, Congress being near its close, it was referred under a general resolution to the Court of Claims for consideration. On the 2d of April, 1856, that court made their report to Congress, accompanied by a bill. The opinion in that case was pronounced by Judge Blackford, one of the earliest judges appointed to that court, a citizen of the State of

Indiana, and one of its most eminent jurists. The opinion is not reported at length in the volume which I hold in my hand, which is Devereux's Court of Claims Reports, but there is an abstract of the decision, which I will read from page 42. Speaking of the claim of Asbury Dickins against the United States it is said:

The claimant, while chief clerk in the Treasury Department, at different periods between April 24, 1829, and May 31, 1833, acted as Secretary of the Treasury, performing the duties of the office, by authority of the President of the United States, on account of the absence from the seat of Government or sickness of the Secretary of the Treasury. Held: The claimant, at the times he so performed the duties of Secretary of the Treasury, held an office separate from his office of chief clerk; that is, held two offices, there being at the time no law to prohibit him from doing so; and as he discharged the duties of both offices, is entitled to compensation accordingly. (Per Blackford, J., *Dickins vs. The United States*.)

This decision was made in 1856, many years after the act of 1839 was passed, upon which the chairman of the committee commented the other day. These services, however, were all performed anterior to the act of 1839. That act then did not stand in the way; it does not stand in the way now of the passage of the bill. It was not retroactive in its operations, but simply prospective. Here, then, we have a decision of the Court of Claims that has never been overruled; it stands as the law to-day; and it defines with precision what were the rights of Asbury Dickins then before the court.

The same opinion, however, was given by several of the Attorneys-General of the United States. Let me refer in this connection to two or three. I read now from the second volume of Opinions of Attorneys-General. I will first refer to the claim of General Harrison for services on the Wabash. It is known that General Harrison was at that time Governor of the Indiana Territory, and he preferred a claim against the Government for the services which he performed as general of the army of the United States in conducting the campaign on the Wabash which culminated in the battle of Tippecanoe. The Attorney-General on the 17th day of January, 1826, rendered his opinion, from which I read the following extract:

Without the act of the 10th of April, 1812, I should hold that a special appointment by the President to the governor of a Territory to take the command of a mixed army of regulars and militia from other States to carry on war with the Indians, more especially offensive war, as giving the person so appointed a claim on the Government for the pay and emoluments suited to the command to which he had been called. For it is impossible to maintain the position that our laws, in fixing the salaries of the governors of Territories, could have had in view such services as those; or that, because a man has accepted the appointment of governor of a Territory, he may therefore be called to any service of life and death, at the pleasure of the Government, without any manner of compensation for services.

Here, then, the claim is fully sustained. He says in conclusion:

I am of the opinion that the law, in fair construction, covers his case; that he is within the spirit of it, seems to me beyond the reach of controversy.

Mr. Wirt was at that time the Attorney-General. I have another opinion of Mr. Wirt, given on the 12th of December, 1828, upon a claim preferred by General Cass while he was governor of the Territory of Michigan. The syllabus is as follows:

Governor Cass having been employed by the Government to perform services which did not belong to his duty as governor of the Michigan Territory, he has a fair claim to compensation on the principles of a *quantum meruit*.

The opinion proceeds to say:

I understand the facts stated in Governor Cass's letter of the 26th November to be admitted; and if so, I can perceive no ground on which his claim can be properly resisted. His salary as governor is a compensation for his services as *governor*, but the services for which he claims do not belong to his duty as governor of the Michigan Territory; and having been employed by the Government to perform these services, he has a fair claim for them on the principles of a *quantum meruit*. The facts conceded, I think his right undeniable.

Though this opinion does not proceed to state what was the character of the services rendered by General Cass for which the Attorney-General thought he was entitled to compensation, I can state what they were to the Senate. He was appointed repeatedly by the President as a commissioner for the purpose of negotiating treaties with the Indians. He negotiated treaties with a great many different tribes while he was governor. One of the most important treaties, perhaps, that was ever made in the State of Indiana was negotiated by him in connection with two other commissioners in the year 1826; and I presume, though the opinion does not state the fact, that this was the nature of the services for which he claimed compensation of the Government. And here the principle is broadly asserted, as in the case I have cited from the Court of Claims, that although holding an office for which he was paid a specific salary, there was nothing in the law which prevented him from receiving compensation for discharging other official duties outside those of governor during the time that he held his commission as governor.

In this connection, I wish to refer to the act of 1792 under which Mr. Dickins received these appointments and performed these services. It reads as follows:

That in case of the death, absence from the seat of Government, or sickness of the Secretary of State, Secretary of the Treasury, or of the Secretary of the War Department, or of any officer of either of the said Departments whose appointment is not in the head thereof, whereby they cannot perform the duties of their respective offices, it shall be lawful for the President of the United States, in case he shall think it necessary, to authorize any person or persons, at his discretion, to perform the duties of the said respective offices until a successor be appointed, or until such absence or inability by sickness shall cease.

Could more plenary powers have been conferred upon the President? You will notice, sir, that the appointment authorized is not confined to employés of the Department over which the person appointed is to preside, but the President may go outside of the

Department and may appoint any person to fill the office *ad interim*. A case was cited by my friend from Oregon [Mr. MITCHELL] the other day where a person outside of the State Department had been appointed Acting Secretary of State, and had received his compensation without any question being made whatever; and I understand the opposition here is based solely upon the fact that at the time of receiving this appointment of Secretary *ad interim* Mr. Dickins was serving as a clerk in that same Department and receiving a salary. Now, sir, is there anything in this act which prevented his appointment, or his appointment being made, which prohibits him from receiving the compensation of the head of that Department? Not a word of it. On the contrary, as I have already shown, his claim was recognized and paid for some two months. The same claim, I repeat, that we are urging here was recognized, recognized by the Auditor of the Treasury who examined Mr. Dickins's account and adjusted it, for two months, and it was paid. If it was right to pay him the salary of the chief of that Department for two months, why not for the entire one hundred and thirty-three days?

We have had frequent reference to the act of 1839, which was intended to put a stop to claims of this character, and which has put a stop to them. I do not claim for a moment that had these services been rendered since the act of 1839, Mr. Dickins or his legatees would have any standing before Congress. But, sir, this act of 1839 is a clear recognition that the rule had been different before. Let me read it; I believe it has not been read at any time during the course of this debate. It was passed on the 3d of March, 1839, and the third section is as follows:

That no officer in any branch of the public service, or any other person whose salaries, or whose pay or emoluments, is or are fixed by law and regulations, shall receive any extra allowance or compensation in any form whatever for the disbursement of public money, or the performance of any other service, unless the said extra allowance or compensation be authorized by law.

If Mr. Dickins had been serving in the Treasury Department subsequent to the passage of this law as chief clerk, of course he could not have instituted any such claim as this, nor could his heirs since his death be heard. It would have been replied, "You took the office of chief clerk *cum onere*; you assented to the conditions of this law; you agreed in accepting this office that if you were transferred to the head of that Department you would make no extra charge for that service;" and the argument would have been unanswerable. It is because this claim originated before this law, and when it had been solemnly adjudicated that a man might hold two offices at the same time and receive the compensation of those offices, that this claim rests.

Why, sir, this is not a new thing, this right to hold two offices at the same time. It exists now in the States. In my own State there is a provision in the constitution that a man may hold an office under the State and at the same time be deputy postmaster, and receive the emoluments of both offices. There is another constitutional provision that in new counties, where the number of polls does not exceed one thousand, the same man may hold the offices of auditor, clerk, and recorder, or any two of these offices, and receive their compensation. Why, sir, the question was never doubted that I know of seriously; otherwise this act of 1839 would not have been passed. It was passed to cure this very mischief, to prevent persons serving the Government of the United States from receiving double compensation for serving the Government in different capacities. That was the whole purpose of the law; and if the practice had not been different up to that time why should this law ever have been enacted?

My friend, the chairman of the committee, supposes that this claim was barred by the act of 1818; but there is nothing in that act fairly construed which bars it. That act was before the Court of Claims at the time that Asbury Dickins was before that court as a claimant, and his right was clearly recognized. That decision was made in 1856, long after this act of 1818 was in force. Is it to be presumed for a moment that the Court of Claims were ignorant of that law? Yet I have read to you the opinion of the court:

Held: The claimant, at the times he so performed the duties of Secretary of the Treasury—

And that was after the act of 1818 was in force—

held an office separate from his office of chief clerk, that is, held two offices, there being at the time no law to prohibit him from doing so, and as he discharged the duties of both offices, is entitled to compensation accordingly.

Now, sir, do you suppose that court was blind? With the Statutes at Large before them, do you suppose for a moment that this act of 1818 escaped their attention? The court obviously thought it was not applicable to the case; nor was there anything in the language of that act that would seem to make it so. Let me read that act of 1818 which has been so often thrown in our faces. The ninth section of that act is as follows:

SEC. 9. That the compensation allowed by this act to clerks shall commence from and after the 31st day of March last, and it shall be the duty of the Secretaries for the Departments of State, Treasury, War, and Navy, of the Commissioners of the Navy, and the Postmaster-General, to report to Congress at the beginning of each year the names of the clerks they have employed respectively in the preceding year, together with the time each clerk was actively employed during the year, and the sums paid to each; and no higher or other allowance shall be made to any clerk in the said Departments and offices than is authorized by this act.

What is the meaning of that? It is that no additional compensation shall be made to them as clerks; no extra compensation for extra

labor done during the period they were officiating as clerks shall be made to them. That must be the meaning of it; otherwise certainly the Court of Claims would never for a moment have sanctioned the claim of Mr. Dickins, who was a chief clerk in the Department after the act of 1818 was in force.

I resume, Mr. President, the history of this claim of Mr. Dickins in Congress. I brought it down to March 3, 1855, when it was referred to the Court of Claims and passed upon there favorably. At that time the Court of Claims had no power to render judgments. Had it possessed the power then which it possesses now, Mr. Dickins would have been paid for these services as Secretary of State *ad interim* and Secretary of the Treasury *ad interim*, and we should never have heard of this claim. But at that time all that the Court of Claims could do was to find the facts, give their opinion of the law, and make a report to Congress accompanied by a bill; and that was done in this case. The House committee reported a bill, substantially the bill now before the Senate, for the payment to Mr. Dickins of his claim.

Mr. SCOTT. Will the Senator permit me to correct him just at that point? It may perhaps be in the line of strengthening his argument, but it is a fact, and I wish it to appear, for I think it militates against the opinion of the Court of Claims. It is this: the amount they found was not the difference between his salary as chief clerk of those Departments and the salary of the heads of those Departments, but it was the amount of the salary of the heads of the Departments for the time he served without deducting his pay as chief clerk, thus giving him the full salary of both offices for that time. That was the decision of the court.

Mr. PRATT. I accept the correction of the honorable Senator. It follows, of course, as a logical conclusion from the opinion of the court which I have already had occasion to read, that decision being that Mr. Dickins held two offices and that there was at that time no law to prohibit him from holding them, and of course he was entitled to the double compensation. Now, sir, this bill does not claim that. It claims simply the difference between his pay as chief clerk, let it be what it may have been, and the pay of the head of the Department for the time being. That is the whole of it. The committee, while having this matter in charge, thought that this was doing justice to the estate of Mr. Dickins, and did not prefer the claim which would seem to be warranted by the decision of the Court of Claims.

But, Mr. President, I am admonished that the morning hour has nearly expired, and although there are several other points I had designed to touch upon, I will omit saying anything further now for the purpose of reaching a vote.

Mr. SCOTT. I do not desire to postpone a vote, but I must call the attention of the Senate to one feature of this case before they vote upon it. In answer to the argument made about the decision of the Court of Claims, I wish simply to say that the fundamental error into which that court fell was in holding that Mr. Dickins did hold two offices. I made an argument to show that he could not hold two offices. He was performing the duties of the one while he was holding the other.

But, sir, under the act of 1792, which I have already referred to, a question arose during the impeachment trial in 1868, and it became necessary, for the purpose of making out the case of the then President, to bring into the Senate and offer in evidence a list of the appointments and details that had been made under this act of 1792. I refer to it, in the supplement to the Congressional Globe containing that trial, beginning on page 188, covering pages 189, 190, 191, and on that is a message from Mr. Buchanan, dated January 15, 1861, in which he undertakes to show the authority by which he had made details of this character under the act of 1792, and accompanies it with a list of them, and it runs on to page 192 and covers pages 193 and 194, and then a number of cases coming down to 1860 are added, covering several pages more of appointments made under this act of 1792. In the course of the trial, when opinions came to be delivered, I find that the act of 1792 was referred to as supplied by the act of 1795, and the constitutionality of both acts questioned upon the very ground which I made in the remarks that I submitted yesterday. But, sir, here is a list—I have not had time to count them—of cases beginning in 1819, only ten years before this case originated, a list of some five or six hundred cases, all of which, if they have not already been paid—some of them, I suppose, have been—will come in and make their claims if we pay this one. In addition to that, how many second-class clerks are to-day performing the duties of third-class clerks? How many third-class clerks are performing the duties of fourth-class clerks, and so on all through the Departments? It is not because I am here against the claim of Mr. Dickins, as I have already said, or of his legatees, that I make this opposition; but it is as the organ of the Committee on Claims. If it were Mr. Dickins alone, if it were his estimable and courteous daughters alone, I should be glad to say, let them have the money. But, Mr. President, if you vote this claim you open the door to all this class of claims, and that is what I wish to call the attention of the Senate to before the vote is taken.

Mr. MITCHELL. I will inquire of the honorable chairman if the cases which he has just now referred to are cases where the appointments were made in pursuance of the act of 1792? That act only provided for appointments to Cabinet positions in the Departments of Secretary of State, Secretary of the Treasury, and Secretary of War, and it cannot be possible that all those cases belong to that class.

Mr. SCOTT. The Senator is mistaken in reference to the provisions of the act. It reads:

That in case of the death, absence from the seat of Government, or sickness of the Secretary of State, Secretary of the Treasury, or of the Secretary of the War Department, or of any officer of either of the said Departments whose appointment is not in the head thereof, &c.

It provides for more than the appointment of heads of Departments.

Mr. MITCHELL. That is true; it does include the subordinate officers, the appointment of whom is not in the heads of Departments; but as a matter of fact, nearly all the subordinate officers were appointed by the heads of Departments; so that it left but a very few to be appointed by the President in pursuance of that act.

Mr. SCOTT. Let us have the yeas and nays on the passage of the bill.

Mr. MORRILL, of Maine. Mr. President, if this body were an eleemosynary institution, I should think this a most excellent charity, and that we ought to give it our consideration; but as it happens that the people of this country have about as much as they can do at the present time to pay the ordinary expenses of the Government, postponing their debts and liabilities, and as the last four months here show the struggle that is going on to keep our head above water, to keep the Treasury of the United States from absolute bankruptcy, it seems to me that if there is any rule by which economy ought to be observed, it ought to be applied at the present time. Now—

PROPOSED ADJOURNMENT TO MONDAY.

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the unfinished business, which is the motion of the Senator from Rhode Island [Mr. ANTHONY] that when the Senate adjourn to-day it be to meet on Monday next; which the Senator from Michigan [Mr. FERRY] moved to amend by inserting "Saturday" instead of "Monday next." Is the Senate ready for the question?

Mr. ROBERTSON. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDENT *pro tempore* put the question on the amendment, and declared that the noes appeared to prevail.

Mr. FERRY, of Michigan. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORTON. I presume that the Senator from Michigan himself would not insist upon the Senate meeting to-morrow unless the Senate should be inclined to adjourn over to-day. If we are to lose to-day, then I think we ought to meet to-morrow to make it up; but if the Senate is not to adjourn over to-day, but is to go on with business, I presume the Senator from Michigan would not care about the Senate meeting to-morrow. I do not know how that is.

Mr. FERRY, of Michigan. I am not disposed to throw any obstacles in the way of adjourning over to-day if that is the wish of several of the Senators, but I feel at the same time that it would be wrong to the country under the circumstances, and pending the financial bill, which has occupied so much time, for us now to adjourn over until Monday. Feeling, from the remarks that have been made by the chairman of the Committee on Finance, that the country were demanding action upon this question, perhaps smarting a little under that criticism, because I have taken a little of the time of the Senate upon the question, I now appeal to the Senator himself, and to other Senators, that if we are to adjourn over to-day we should meet on Saturday.

I heard from the Senator from Rhode Island the precedents which he cited, which are new to me. No such case has occurred since I have been in the Senate. I am willing, however, to defer to those precedents; but I hope he will join me in agreeing that to-morrow we shall meet here and make up for the time lost to-day, so that the week shall not be lost by our adjournment over to-day. Let Senators be allowed to observe Good Friday, and I wish them hearty good-will in it, but let us meet on Saturday, and go through with the financial bill.

But, on the other hand, in reply to what has been said by the Senator from Indiana, if it is thought best to go on to-day with this bill, certainly I am not disposed to meet on Saturday; and if that is the intention of the Senate I would withdraw my amendment, if the Senate were disposed to allow me to do so, as I cannot do it without consent, inasmuch as the yeas and nays have been ordered.

Mr. ANTHONY. Yesterday I put to the Senator from Michigan our new principle of parliamentary law, questioning the right of a man to move an amendment to a proposition unless he intended to vote for it. I asked him if he intended to vote for this proposition if his amendment should prevail, and I understood him to say distinctly that he did not. Now I think if we do not sit on Friday and Saturday, the very interesting speeches which we have heard upon this subject of finance have been so impressed upon our minds by frequent and continuous repetition that we shall be able to remember them from now until Monday, when they can be repeated over again just as well as on Saturday; and I hope that we shall adjourn over, as we have been accustomed to do on this day, until Monday.

Mr. FERRY, of Michigan. I stated yesterday in reply to the same point made by the Senator from Rhode Island that this is a religious question which seems to be pending now and the other was a financial one, and therefore I should act differently upon this from what I would upon the other. I do not wish it to be understood that I am

opposed to members observing the day; and again I suggest to the Senator that the better way to do that is to let those Senators who feel it their duty conscientiously to observe this day pair with other Senators. I am ready to pair with any Senator who feels that he must observe this day away from this Chamber. That can easily be done, and leave a quorum in the Senate to proceed with the business of the Senate.

Now, in answer to what has been said by the Senator from Rhode Island, I did yesterday say that while I would vote for the amendment I proposed, I should vote against the adjournment over. I did not at that time know that there were any precedents for adjourning over Good Friday; but to-day the honorable Senator has cited several precedents. Now I say again I am willing to defer to them; but I say to him, let my amendment be carried that we meet to-morrow and spend Saturday here and conclude the bill that is now pending before the Senate.

Mr. BAYARD. May I ask the Senator from Michigan what would be his advantage if all the gentlemen who desire to absent themselves to-day should agree to pair with those who do not, on this subject? The result would be that the Senate would have no quorum, and the first vote taken would disclose that fact, and thereupon the transaction of public business would cease.

Mr. FERRY, of Michigan. If the Senate will vote for an amendment to adjourn to-day and meet to-morrow—

Mr. BAYARD. That would not in any degree affect the question made by the Senator. He proposed as a remedy for the consciences of Senators that they pair with others; and my answer is, if it should go to the extent of all those who have some conscience or opinion on that subject, he would find the Senate without a quorum.

Mr. FERRY, of Michigan. I merely reply to that, without occupying time, that I defer to the Senator's judgment of the complexion of the Senate in that regard. If he states there will be so many who would pair as to leave the Senate without a quorum, then I say meet us in adjourning until to-morrow, and sitting here on Saturday; let us not waste for the business of the Senate and the country two days of this week. Let us give up Friday and meet here on Saturday, and we shall have accomplished as much for this week as any other, for we have not sat on any Saturday this session.

Mr. ANTHONY. I am very glad that my friend from Michigan has gone back from his new theories to the old precedents, which I think are always safest; and so far as I am familiar with them the adjournment has uniformly been to Monday. We adjourned to Monday in 1872; we adjourned to Monday in 1866. In 1868 the impeachment trial was pending, and for that reason we did not adjourn at all.

The PRESIDENT *pro tempore*. Is the Senate ready for the question?

Mr. FERRY, of Michigan. The yeas and nays have been ordered, I believe.

The PRESIDENT *pro tempore*. The yeas and nays having been ordered, the roll-call will proceed on the amendment of the Senator from Michigan to substitute "Saturday" for "Monday."

Mr. BOREMAN. I have voted against adjourning over, but I am willing to defer to the wishes and feelings of gentlemen who have conscientious scruples about sitting here to-day. I do not see, however, that there will be anything gained by coming back here to-morrow. If we come back and sit here to-morrow, we shall do very little; and I think the better way is to adjourn until Monday. Therefore on this vote I shall feel it my duty to oppose those of my friends who wish to substitute "Saturday" for "Monday."

Mr. HAMLIN. I presume other Senators are situated as I find myself—troubled with matters which we cannot well avoid outside of this Hall, and perhaps somewhat outside of our legitimate congressional duties. I refer to calls that are made upon us by our constituents in regard to business matters at the various Departments. Had the Senate yesterday considered this matter, I would not have objected to adjourning over until Saturday; but the day is gone for any such purpose; I cannot devote this day to that purpose, having no particular conscientious scruples against doing my duty either here or elsewhere. I want to-morrow therefore to do these duties that are pressed upon me and that I cannot avoid. Otherwise I would vote to meet to-morrow.

Mr. FERRY, of Michigan. To meet just that case and others, as we are now here in session and it may be can retain enough to go on with business to-day and still give Saturday for the business to which the Senator from Maine has alluded, I will, if the Senate will allow me, withdraw my amendment and agree to take the question on adjourning over to Monday.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent, the yeas and nays having been ordered upon it, to withdraw his motion to amend the motion of the Senator from Rhode Island.

Mr. MORTON. I beg leave to say in that connection that I hope when the motion is withdrawn the Senate will then resolve not to adjourn to-day until we finish this financial question, or at least not to adjourn until the usual hour comes. Let us stay here and devote to-day to this question.

The PRESIDENT *pro tempore*. Is there objection to the withdrawal of the motion of the Senator from Michigan? The Chair hears none, and it is withdrawn.

Mr. WRIGHT. I wish the attention of the chairman of the Commit-

tee on Finance, the Senator from Ohio. He has several times indicated to us his purpose to press a vote upon this bill; has announced on more than one occasion that he should ask the next day that the Senate should remain in session until the bill was disposed of. In that request I have always been inclined to concur and stand by him. I still have that disposition, and I should like very much to know what he wishes on this subject, whether his wish is that we shall remain here to-day and to-morrow and press this bill to a vote, or whether, in view of the condition of the country which he has so frequently pointed out and has presented to the Senate so very urgently and eloquently, he is at this time willing for the Senate to adjourn. I ask whether he advises the members of the committee who act with him, not upon all the matters in connection with this bill, but in the earnest wish to press the bill to a vote, to agree that the Senate shall now adjourn until Monday; or whether, in view of the condition of the country as he understands it, he deems it better that we sit here to-day and to-morrow?

So far as I am concerned, I say unhesitatingly that I believe we ought to stay here to-day, and to-morrow also if it is necessary, to dispose of this bill. I think if a month since the country needed that we should remain here and stand by this bill as something for the country, certainly that demand is much greater and stronger now. Every one knows, I need not repeat it—every Senator on this floor has had letter upon letter urging it and pressing upon us the necessity of acting on this bill. I believe this bill is in such a condition that we can dispose of it to-day if we remain; and if the chairman of the committee will reiterate what he has said heretofore and appeal to the Senate to stand by this bill, I believe we shall remain here to-day and dispose of it. I think it will be infinitely better for the country and for us that we do so than to now adjourn over till to-morrow or until Monday.

Mr. FRELINGHUYSEN. I think my friend from Iowa is laboring under a great mistake. I have not heard the chairman of the Committee on Finance say that it was important to pass this bill to-day or at any time. It was a different bill from this that he thought the interests of the country required. On the contrary, I think I have heard him intimate that he never would vote for this bill.

Mr. WRIGHT. Why, Mr. President, I have not said that the Senator from Ohio insisted that this bill should pass, but he has insisted more than once that we should remain and dispose of the bill, dispose of the question, pass the bill or have it defeated. He has so insisted before this Senate; and I now ask him, as chairman of the Finance Committee, to say to the Senate what his preference is on this question. We are either under his lead to lose two days upon this bill or we are to remain here and attempt to dispose of the bill, either to pass it or defeat it. I should be very glad to know what his preference is.

Mr. ANTHONY. Does the Senator intend to follow the advice that he asks?

Mr. WRIGHT. I have already said that my preference is that we should remain here and dispose of this bill. I have been inclined, as I have already said, to follow the lead of the Senator from Ohio on that subject.

Mr. SHERMAN. I have voted steadily against all adjournments, and to bring the bill to a conclusion, although for the last three or four days it has been in such a condition that I certainly mean to vote against it, and regard its passage, in its present form, as an unmixed calamity. I do not consider myself responsible for the action of the majority, but it seems to me—and I say it in good temper and in good humor—that the gentlemen who compose the majority, and who have put this bill in such a position that I cannot vote for it, and that others who reported the bill and brought it before the Senate cannot vote it, ought to speak to the supporters of the bill to stay here and not vote for the first motion to adjourn. I have voted steadily against every adjournment up to this time. Now as to whether it is better to adjourn to-day or not, I really do not know how to advise the Senate. I think, on the whole, that if we had one or two days for calm reflection it is possible that this bill might be put into a shape that would command much greater strength in the country, and certainly where it might command my vote. It cannot as it now stands. I think the majority of the Senate who seem to stand in favor of this bill ought to determine whether or not they will give us a little time and themselves a little time for reflection. I shall vote against the adjournment because I wish to bring the thing to a conclusion, but I am not so sure that it would not be better for the country that we should adjourn over until Monday, in order to perfect and mature the bill. As it now stands I shall vote against the bill, and I shall vote against the adjournment.

As for Good Friday, I was reared in the faith of the Episcopal Church, and they have always regarded it as a holy-day, especially so; but at the same time I think the best way to observe a holy-day is to pursue the ordinary discharge of one's business, provided it is an honest business, and especially if it promotes the public service.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island, that when the Senate adjourn to-day it be to meet on Monday next.

The question being put, the Chair declared that the "ayes" appeared to prevail.

Mr. FERRY, of Michigan. I ask for the yeas and nays.

Mr. MORTON. I would suggest to the Senator from Michigan that on the motion to adjourn, which I presume will follow immediately, we take the yeas and nays.

The PRESIDENT *pro tempore*. The motion now is that when the Senate adjourn to-day it be to meet on Monday next.

Mr. MORTON. The adoption of that will not adjourn the Senate.

The PRESIDENT *pro tempore*. Of course not.

Mr. MORTON. Then on the motion to adjourn, which I presume will follow, we can have the yeas and nays.

Mr. FERRY, of Michigan. Very well. I did not understand the question before. The proposition is simply that when the Senate adjourns to-day it adjourn to meet on Monday next. I am not disposed to oppose that, but I shall vote against an adjournment now.

The PRESIDENT *pro tempore*. The call for the yeas and nays being withdrawn, no division being called for, the motion of the Senator from Rhode Island is agreed to.

Mr. ANTHONY. I move that the Senate do now adjourn.

Mr. FERRY, of Michigan. On that I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 28, nays 30; as follows:

YEAS—Messrs. Allison, Anthony, Bayard, Boreman, Chandler, Conkling, Cooper, Cragin, Davis, Fenton, Flanagan, Frelinghuyzen, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Howe, Kelly, Lewis, McCreery, Morrill of Maine, Morrill of Vermont, Sargent, Saulsbury, Schurz, Scott, Stockton, and Thurman—28.

NAYS—Messrs. Bogy, Carpenter, Clayton, Dorsey, Ferry of Connecticut, Ferry of Michigan, Goldthwaite, Gordon, Harvey, Hitchcock, Ingalls, Johnston, Logan, Merriman, Mitchell, Morton, Norwood, Ogleby, Patterson, Pease, Pratt, Ramsey, Ransom, Robertson, Sherman, Spencer, Tipton, Wadleigh, West, and Wright—30.

ABSENT—Messrs. Alcorn, Boutwell, Brownlow, Buckingham, Cameron, Conover, Dennis, Edmunds, Gilbert, Jones, Sprague, Stevenson, Stewart, and Windom—14.

So the Senate refused to adjourn.

THE CURRENCY—SPECIE PAYMENTS.

The PRESIDENT *pro tempore*. The special order is before the Senate, being the resolution reported by the Senator from Ohio [Mr. SHERMAN] from the Committee on Finance, declaring it to be the duty of Congress at the present session to adopt definite measures to redeem the pledge made in the act of March 18, 1869, for the earliest practicable redemption of the United States notes in coin.

Mr. CONKLING. Let us take that up by all means.

The PRESIDENT *pro tempore*. It is up.

Mr. HAMLIN. I should like permission to present a petition before we proceed to the regular business of the day.

The PRESIDENT *pro tempore*. The Chair will receive it if there be no objection.

ADDITIONAL PETITIONS AND MEMORIALS.

Mr. HAMLIN. I present a memorial signed by Dallas Knowlton and various other residents of this city, who allege that the general sewerage act of the District of Columbia imposes a specific tax of two cents per square foot, whether the land be worth two cents or twenty dollars per foot, and that it is a grievous and unconstitutional tax, and they ask relief therefrom. I move that the memorial be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. CONKLING. May I present a memorial?

The PRESIDENT *pro tempore*. The Chair will receive morning business at present if there be no objection. The Chair hears no objection.

Mr. CONKLING. I present the memorial of citizens and freeholders of Oneida County, New York, that region being the greatest hop-producing region in the country, setting forth the injustice, as they conceive, in the existing tariff concerning hops, and praying that a duty of fifteen cents a pound may be imposed on all hops imported into the United States from foreign countries. The legislation prayed for, I know, cannot originate in the Senate, being a change in the tariff; nevertheless as this memorial is sent to me, I beg to present it and move its reference to the Committee on Finance, with the remark that the case stated is a very strong one, and I am satisfied that it deserves consideration.

The motion was agreed to.

The PRESIDENT *pro tempore* presented resolutions of a public meeting of colored citizens of San Francisco, California, in respect to the memory of the late Hon. Charles Sumner; which were ordered to lie on the table.

Mr. GORDON presented a petition of a large number of planters and other citizens of Georgia, praying that legal-tender notes may be substituted for national-bank notes, declared equal with coin, and convertible into bonds, bearing interest at 3.65 per cent. per annum; which was referred to the Committee on Finance.

BANKING AND CURRENCY.

The PRESIDENT *pro tempore*. The special order indicated by the Chair is now before the Senate.

Mr. SHERMAN. I move to take from the table the bill S. No. 617, which is really the unfinished business; and when it is taken up I intend to appeal to the Senate to let the matter go over until Monday. I move that it be taken from the table.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 617) to provide

for the redemption and reissue of United States notes, and for free banking.

Mr. SHERMAN. My purpose is, on Monday or whenever the matter comes up—now, if the Senate determine to go on with it—to move the second and fourth sections, with some modifications, as amendments. I think on the whole it would be better to adjourn over until Monday. There is a bill lying on the table which may take a little time, but not long. I think if we can get a little rest we may make more progress by coming back fresh on Monday than wasting this day in debating the question that we have already debated so much.

Mr. MERRIMON. I desire to make the first section of the substitute which I offered for the bill conform in terms to the section adopted by the Senate in lieu of the first section of the bill as reported by the committee. There is a slight verbal difference.

Mr. SHERMAN. Now I submit to the Senate that without debate this bill be postponed until Monday. I desire to offer one or two amendments; but I have consulted with Senators of opposite views on this subject, and I will submit the motion that this bill be deferred until Monday and continued as the unfinished business, with a view to give us an opportunity to think over the matter a little more fully and with the hope that we shall then close it.

Mr. THURMAN. The bill ought to be printed with the pending amendments.

Mr. SHERMAN. There are no amendments except to strike out the second and fourth sections.

The PRESIDENT *pro tempore*. Those are the only amendments adopted except that of the Senator from North Carolina to strike out the third section and insert another in its stead. There is a pending proposition to strike out all after the enacting clause and insert a substitute—an amendment offered by the Senator from North Carolina.

Mr. MORTON. The question now is on the substitute.

Mr. SHERMAN. The third section has been stricken out and the amendment proposed by the Senator from North Carolina adopted in lieu of it.

Mr. MORTON. The substitute embraces precisely what has been adopted on the bill, embracing the first and third sections as adopted.

The PRESIDENT *pro tempore*. The Secretary will state the condition of the bill as it appears by the record.

The CHIEF CLERK. The first section was stricken out on the motion of Mr. WRIGHT, and the following was inserted in lieu of the section stricken out:

That the maximum amount of United States notes is hereby fixed at \$400,000,000.

The second section was stricken out. The third section was stricken out, and in lieu thereof the following inserted:

That \$46,000,000 in United States notes for circulation, in addition to such circulation now allowed by law, shall be issued to national banking associations now organized and which may be organized hereafter; and such increased circulation shall be distributed among the several States as provided in section 1 of the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates and for an increase of national-bank notes," approved July 12, 1870.

The fourth section was stricken out, and the fifth and sixth sections yet remain in the bill. The amendment now pending is to strike out all after the enacting clause and insert the substitute proposed by Mr. MERRIMON.

The PRESIDENT *pro tempore*. The Senator will suggest what change he wishes.

Mr. MERRIMON. I desire to substitute the words adopted by the Senate in lieu of the first section of the bill, for the first section of the substitute offered by me.

The PRESIDENT *pro tempore*. Then the Senator can accomplish his purpose by asking unanimous consent to withdraw the first section of his substitute, the other having been adopted by the Senate.

Mr. MERRIMON. I make that request.

The PRESIDENT *pro tempore*. The Senator from North Carolina asks unanimous consent to withdraw the first section of his substitute. Is there objection? The Chair hears none.

Mr. MERRIMON. Now I wish to supply it with the section which was adopted in lieu of the first section of the bill.

The PRESIDENT *pro tempore*. That has already been adopted, and when the Senator's substitute is added to it it will be all right.

Mr. MERRIMON. I make it part of the substitute, so that the substitute will be in lieu of the bill as perfected by the Senate.

The PRESIDENT *pro tempore*. Very well.

Mr. THURMAN. Is that in order, to move to strike out that which has already been inserted?

The PRESIDENT *pro tempore*. Not except by unanimous consent. The Chair called for objections and heard none.

Mr. MORTON. It was only a change which the Senator from North Carolina had a right to make without the consent of the Senate. He offers a substitute of two sections, and he desires to change the first section of the substitute before the vote is taken; that is all.

Mr. MERRIMON. I have a right to do that, I believe.

Mr. THURMAN. That is not the point at all. If I understand it, the Senator wants to move to strike out the first section of the bill as it now stands.

The PRESIDENT *pro tempore*. That cannot be done, of course.

Mr. THURMAN. But he can get at his object by moving to strike out all of the bill after the first section.

Mr. MORTON. The Senator does not comprehend the point.

Mr. MERRIMON. The substitute which I offered has not been

acted upon; no vote has been taken upon it; no action whatever has been had upon it; and I have a right to substitute the words which the Senate have adopted in lieu of the first section of the bill as part and parcel of my substitute. That is what I propose to do.

Mr. CONKLING. Then why does the Senator want to withdraw anything?

The PRESIDENT *pro tempore*. The Senator from North Carolina suggests what is a perfectly proper mode of proceeding on his part.

Mr. CONKLING. Then he does not want to withdraw anything now?

The PRESIDENT *pro tempore*. Of course not.

Mr. SHERMAN. I ask that the amendment as now modified be printed.

The PRESIDENT *pro tempore*. That order will be made if there be no objection. The Chair will order the bill to be reprinted with the pending amendments if there be no objection.

Mr. MORTON. If that is to carry it the idea of an adjournment now, I object.

Mr. BAYARD. I desire to give notice of an amendment which I propose to offer to the pending finance bill, and I think perhaps that it had better be printed.

The PRESIDENT *pro tempore*. It will be ordered to be printed if there be no objection.

Mr. DAVIS. I wish to make a statement which may have an influence on the pending bill, and which will occupy but a few moments.

On the day before yesterday, when the bill now under discussion was before the Senate, I stated that taking New York as the basis for the increased bank circulation as proposed in the third section, it would add to the volume of circulation \$124,000,000; that taking Pennsylvania as the basis, it would add \$110,000,000 in round numbers, and taking Maine, it would add \$290,000,000. The statement was thought to be an error by many Senators, and in fact it was so generally supposed to be so by Senators that I began to have some doubt myself about it. Since that time I have seen the Comptroller of the Currency, and obtained from him a statement which I now hold in my hand. I find that I was correct in my assertion that the basis of New York would give \$124,000,000 additional circulation. This statement contains a list of the States which would receive increased circulation under the New York basis, and I observe that even Pennsylvania would receive some additional circulation upon that basis. As it will have a bearing in the future, I present this table:

Statement showing the circulation of certain States and an apportionment to the same States upon the basis of the circulation of New York.

States.	Apportionment, basis of New York.	Outstanding and authorized.	Amount of increase.
Pennsylvania.....	\$42,397,889	\$42,055,781	\$342,108
Virginia.....	10,447,297	3,902,342	6,544,955
West Virginia.....	3,970,711	2,360,307	1,610,404
North Carolina.....	8,677,946	1,819,300	6,858,646
Georgia.....	9,497,057	2,365,605	7,131,452
Ohio.....	29,046,070	23,876,370	5,169,700
Indiana.....	17,650,958	14,706,415	2,944,543
Illinois.....	27,639,399	17,824,209	9,815,190
Michigan.....	11,616,592	7,485,043	4,131,549
Iowa.....	11,678,533	5,674,385	6,004,143
Minnesota.....	4,134,469	3,330,414	804,055
Kansas.....	3,422,551	1,825,496	1,597,055
Nebraska.....	1,181,142	809,500	371,642
Total.....	181,360,614	128,035,167	53,325,167

Amount required to bring all the States up to New York, \$124,062,267.

Mr. CONKLING. Is there anything pending before the Senate now?

The PRESIDENT *pro tempore*. Nothing but this bill.

Mr. CONKLING. Then I move that the Senate adjourn.

Mr. SHERMAN. I ask the Senator if he will allow us to take up and dispose of, one way or the other, either by referring it to a standing committee or a committee of conference, the amendment of the House of Representatives to the bill in relation to the Louisville and Portland Canal?

Mr. CONKLING. I will not insist on my motion if the Senator wishes to take up that bill.

The PRESIDENT *pro tempore*. The Senator from New York withdraws his motion.

Mr. SHERMAN. Of course the understanding is that the pending financial bill will remain the unfinished business to be called up at any time.

The PRESIDENT *pro tempore*. The pending bill will remain the unfinished business.

Mr. MORTON. The Senator from Ohio asks that the further consideration of this bill shall be postponed until Monday and that it shall then be the unfinished business. That is his proposition, as I understand.

The PRESIDENT *pro tempore*. That will be the effect of it, if the Senate adjourns now.

Mr. MORTON. I do not want to be considered as resisting the chairman of the committee; but I wish it to be understood that we shall then proceed with the consideration of this bill.

The PRESIDENT *pro tempore*. This bill is now the business before the Senate, and if the Senate adjourns in that state of things it will be the unfinished business on Monday next at one o'clock. The Senator from Ohio now asks, without displacing it, that the Senate proceed to consider some other matter, the Chair does not know what. It requires unanimous consent.

PRINTING OF A REPORT.

Mr. RAMSEY. Before proceeding to other business, I ask leave to offer the following resolution, for reference to the Committee on Printing:

Resolved, That one thousand extra copies of the report of the Committee on Post-Offices and Post-Roads on the bill (S. No. 651) to provide for the transmission of correspondence by telegraph be printed for the use of the Senate.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1063) to restore Captain John C. Beaumont, of the United States Navy, to his original position on the Navy Register;

A bill (H. R. No. 2538) to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien;

A bill (H. R. No. 2667) to enable the Secretary of the Treasury to gather authentic information as to the condition and importance of the fur trade in the Territory of Alaska; and

A joint resolution (H. R. No. 81) requesting the President to intercede with Her Majesty the Queen of Great Britain for the release of Edward O'Meagher Condon, now confined in prison in Manchester, England.

LOUISVILLE AND PORTLAND CANAL.

Mr. SHERMAN. There is a bill lying on the table which has been returned from the House of Representatives with an amendment which I ask to have taken up and disposed of now.

There being no objection, the Senate proceeded to consider the amendment of the House of Representatives to the bill (S. No. 350) providing for the payment of the bonds of the Louisville and Portland Canal Company.

Mr. CHANDLER. I move the reference of the bill with the House amendment to the Committee on Transportation Routes to the Seaboard, if that is the committee from which it came. It ought really to go to the Committee on Commerce.

Mr. SHERMAN. My colleague, who is not now here, moved to disagree to the amendment and ask for a committee of conference. I do not know which motion takes precedence.

The PRESIDENT *pro tempore*. The motion of the Senator from Michigan has precedence.

Mr. SHERMAN. I appeal to the Senator from Michigan to withdraw his motion. I have examined this bill, and I have read the debate in the House. The only point in controversy is as to a period of time, whether possession shall be taken now of this canal or whether it shall be taken two years hence, when the Legislature of Kentucky can convene. I have not the slightest doubt that a committee of conference, of which the Senator from Michigan, the chairman of the Committee on Commerce, might properly be a member, could adjust and arrange this matter without any controversy. The bill, in its present form, substantially has passed both Houses. The only question of difference is the one I have referred to.

Mr. MORTON. The point of difference, as I understand, is in relation to what is known as the Wheeler amendment. I should like to hear it.

Mr. SHERMAN. I ask the Secretary to read that amendment attached to the bill. It simply declares that the Secretary of War shall not take possession of this property until the Legislature of Kentucky has surrendered jurisdiction, &c.

Mr. CHANDLER. By permission, I will change my motion and move to refer the bill and amendment to the Committee on Commerce.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Michigan to refer the bill, with the amendment of the House of Representatives, to the Committee on Commerce.

Mr. SHERMAN. Now I should like to have the point referred to by the Senator from Indiana read.

The CHIEF CLERK. The bill as amended by the House reads:

That the appropriations made by the act approved March 3, 1873, entitled "An act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes," for the payment of the debts of the Louisville and Portland Canal Company, are hereby continued in full force, and are made permanently applicable to the payment of the debts of the said Louisville and Portland Canal Company; and so much as may be necessary shall be applied to the payment of the interest as it accrues, and the principal of the outstanding bonds of said company as they mature: *Provided*, however, That the Secretary of the Treasury may purchase and pay for any of said bonds, at their market price, not above par, whenever he deems it for the interest of the United States: *Provided further*, That said Secretary shall pay no money under any of the provisions of this act, nor shall the Secretary of War take pos-

session of said canal as authorized by the next section, until the State of Kentucky shall cede to the United States jurisdiction over the said canal, with all its property, hereditaments, and appurtenances, and relinquish to the United States the right to tax, or in any way to assess, said canal, its property, hereditaments, and appurtenances, or the property of the United States that may be thereon during the time that the United States shall remain the owner thereof.

Mr. SHERMAN. That second proviso is the Wheeler amendment. The Chief Clerk continued the reading, as follows:

SEC. 2 That after thirty days from the passage of this act the Secretary of War is hereby authorized and directed to take possession of the said Louisville and Portland Canal, and all the property, real and personal, of said company—

Mr. MORTON. The Secretary need not read the rest of the bill. It was only that proviso that I wanted to hear. The remainder of the House amendment is the residue of the Senate bill just as we passed it originally.

The PRESIDENT *pro tempore*. The question is on the motion to refer to the Committee on Commerce.

Mr. THURMAN. I hope the chairman of the Committee on Commerce will not insist on his motion. Let us see for one moment what this thing is. Here is a canal, the stock of which is owned by the United States in entirety, except five shares of \$100 each. With the exception of \$500, the United States is as much the owner of the Louisville and Portland Canal as any Senator on this floor is of his dwelling house; and now it is proposed that we shall not take possession of our own property and fix our own rate of toll until the Legislature of the State of Kentucky, two years hence, shall pass a formal act authorizing us, or empowering us, forsooth, to take possession of that which belongs to us. The whole commerce of the Ohio River is to depend upon the passage by the Legislature of the State of Kentucky of a bill, two years hence, to authorize us to possess and enjoy our own property; and we are to continue in the mean time to be taxed at the rate of fifty cents per ton on every steamer that passes through that canal; and mark it, sir, it is fifty cents per ton whether she has one pound of freight in her or whether she has not, whether she is full of freight or whether she has not a pound of freight in her. The point really involved is, whether we are to continue to pay that onerous duty, far more than five times as much as is necessary to keep the canal in repair, as is admitted on all hands. The question is, whether or not we are to have this burden upon us for two years longer in order to await an act by the Legislature of Kentucky, which, after it was passed, would give us no right that we do not now in equity and justice possess.

It is said there is a large sum of money involved here. What is this large sum of money which this amendment of the House says shall not be paid until the Legislature of Kentucky shall pass a certain act? That sum of money is the debt of the United States this day, and has been the debt of the United States ever since it became the owner of the stock of the company.

Mr. SHERMAN. And we appropriated money to pay it a year ago.

Mr. THURMAN. And the money was appropriated a year ago to pay it. If the United States sees fit to own stock in a corporation, and that corporation owes bonds, pray, is not the United States bound for them as a stockholder? There is no assumption, therefore, of any new debt, no assumption of any debt due by somebody else. It is the debt of the corporation, for which its property is liable, and as that stock and that property is owned by the United States, it is in effect the debt of the United States.

But all this was discussed a year ago, when the appropriation was made, and now we are asked to be put off for two years more, as I said before, simply to await the passage of an act by the Legislature of Kentucky, if it shall see fit to pass such an act, to allow us to enjoy and possess our own property.

Mr. CONKLING. Mr. President, I should not say one word on this subject now but for one remark made by the Senator from Ohio, which is, quoting his words, that the amendment, the idea of the House of Representatives, is "monstrous."

Mr. THURMAN. I do not think I used that word in that connection; but if I did not I will now, if it is not disrespectful to the House.

Mr. CONKLING. The Senator need not supplement what he has said in order to make very energetic his denunciation of the wantonness or stupidity of which the House must have been guilty in order to entitle itself to the observations he has made.

Now, Mr. President, premising the remark I rose to make, I say that the Senator from Ohio is no more unwilling than I am to place fetters or leave fetters upon the commerce of the Ohio River or the commerce of any other stream that flows anywhere in the Republic. It is not worth while, however, to darken the real question before us by declamation about the extent of the interest involved or about what might happen unless the Louisville Canal were liberated from the tolls now imposed upon it; and therefore I venture to correct the statement which the Senator from Ohio has made by adding to it some very essential things which he has omitted.

Transposing the order of his statement, he remarked that all the questions which were before the House of Representatives were discussed here a year ago. Never. On the contrary, if I may refer to what took place in the House, my colleague, whose name has been associated with this amendment, was taken to task because the facts which he presented had never been known to the Committee on Commerce, and he was required to excuse himself by saying that he had been informed only then for the first time by telegraph of the most

material facts he stated. So it cannot be that this was all discussed a year ago.

More than that, the Senator from Ohio, says, "forsooth, we are not to take possession of our own property till the State of Kentucky passes an act two years hence." I beg to say with great deference to him that I think his statement is mistaken at both ends. In the first place, the question is not merely whether we are to take possession of our own property; and in the next place, the alternative is not whether Kentucky shall pass an act two years hence. The Legislature of Kentucky naturally does not meet for two years, but it has been stated elsewhere, I think with propriety, that if there be a necessity so urgent as is alleged, the Legislature of Kentucky might come together for a day if necessary to cure a defect, if in fact a defect exists.

Now, Mr. President, what is that defect as alleged? Not one raising the question whether we shall go and take possession of our own, but whether we shall pay a very large sum of money for that which cannot become our own by paying the money, or in any way without further legislation by Kentucky. How does the question arise? In 1842, again in 1844, again in 1872, enactments took place in the Legislature of Kentucky. By those enactments conditions are imposed upon the cession of this canal property to the United States. So it has been argued. So I think it will be difficult for the Senator from Ohio to deny. But more than that, it turns out by evidence which I may say is newly discovered—for I believe it was never heard of in either House until within a week—that the State of Kentucky persistently and always, in spite of the action of the Government and of the appropriations which have been made, has continued to tax this canal and its property, and that right, upon the theory of Kentucky, will remain untouched if we pass the present bill. Not only has Kentucky taxed this canal, but the United States has taxed it, and taxed it in recent years. Mr. President, consider the absurdity of the United States taxing its own property, taxing the Capitol, taxing the Treasury Department, or the public buildings of the country, if in truth this great piece of mason-work known as the Louisville Canal be one of the public buildings belonging to the United States. It is an action on the part of the Government speaking louder than words in confirmation of the claim of Kentucky that the title and the ownership of the property is not in the United States, but in a corporation of the commonwealth within whose domain it exists.

Suits have been brought; a suit is pending now for a large sum of money, according to my memory \$114,000, and the common council of Louisville has recently passed a resolution directing the city attorney of Louisville to "suspend"—that I observe is the word employed in the resolution—to suspend that suit brought on claims for delinquent taxes alleged to be due against the canal, and then, in future, in case the United States does certain things, the direction is further that the suit be disposed of.

The amendment of the House of Representatives is founded upon the allegation that should the bill before us become a law the State of Kentucky will retain rights assertable in court and undeniable anywhere, conflicting with the ownership of the General Government, that the State of Kentucky and the city of Louisville will retain the right to bridge the canal where they please, to exercise police power which is argued to mean the whole power and jurisdiction of police over the canal, to do a variety of things which I do not stop to enumerate. The papers are not before me, and I had no expectation at this time or at any time of saying anything in regard to it. My purpose being merely to remind the Senator from Ohio that he makes too scanty a statement, I do not stop to go into particulars; but I say the allegation is that unless we have legislation from the State of Kentucky, a release and extinguishment of Kentucky's rights, despite this bill and despite any other action which we alone can take, there will remain with Kentucky rights which it must be the wish of every Senator who seeks to liberate the canal in question from impositions and burdens to extinguish altogether.

Mr. President, I express no opinion about this. I rose for no such purpose; and I beg the Senator from Ohio to understand that I wage now no argument with him as to where the merits of this question lie. I want simply to do justice to the House, to do justice to the amendment, and to do justice to the facts by bringing to the Senate the information that the question is not so simple, is not so narrow, as might be inferred from the somewhat scanty statement, as I think, which fell from the Senator from Ohio. If it were merely whether we should pause until the Commonwealth of Kentucky in its pleasure should give us an invitation or give us permission to go and take possession of that which we own, well might the Senator say "Forsooth, shall we stop to consider such a question?" But when the inquiry is whether the State of Kentucky has rights which we without her consent cannot cleave down, and whether we are to be unauthorized intruders in attempting to assert the purpose of this legislation, I think it can hardly be well said, "Forsooth, shall we stop to consider such a question?" I say yes, Mr. President. This Senate cannot be so occupied with momentous affairs that there is not a fitting time to consider whether, without the permission of a State, we can authorize the Secretary of War to go into it and take possession of property, and whether without the consent and agreement of a State we can annihilate by an act of our own vested rights of property. If no such intrusion is necessary upon the facts, if no such rights are at stake in the question, by merely pausing to see the length and breadth of

the matter, we shall so ascertain, and then our path will be clear; and my interposition is merely to insist that we should see precisely what the facts are, precisely what the law is, and then act as we would act upon any other question worthy of consideration.

Mr. THURMAN. Mr. President, it is a very singular fact that although the State of Kentucky is very ably represented on this floor, neither of her Senators at any time when the subject of this canal has been before the Senate has seen fit to interpose a claim in her behalf; neither of those Senators has seemed to fear that there was any such thing as the United States violating the rights of the State of Kentucky. All the protection of her interests comes from a wholly different quarter of the Union. But let that pass.

The answer to the argument of the Senator from New York might be put almost in one single sentence. The rights of the United States and of Kentucky are fixed now. We are not now bargaining with Kentucky. The bargains have been made, and the rights of the parties are fixed; and therefore I put it to the Senator from New York whether he wants to deprive us of the right to our property until Kentucky shall make a new bargain with us. If Kentucky will have the right to tax this property after it shall come into our hands, she has it by virtue of existing legislation. The considerations that we have given have not included a release by her of the right of taxation. If that be so, do you propose to require of her that she shall give us what we have never demanded of her heretofore? She has agreed to cede to us all that we have asked of her for the consideration that we have proposed to give. Do you say that that bargain shall go for nothing, and that all that has been done shall in effect be destroyed unless she will consent to give more than we ever asked her to give and more than she ever promised to give? That is the question.

If Kentucky has these rights that gentlemen apprehend, she has them now under the legislation of Congress on the one side and the legislation of Kentucky on the other side, and neither the fact of our purchase of this stock nor anything else we can do can deprive her of these rights. Sir, are we to be kept out of the possession of our property for all time, and have the tolls on this canal fixed by five men who have nothing but \$500 interest in it and who fix the tolls to suit their own personal interest instead of the interest of the country, because Kentucky will not make a new bargain and surrender something she never promised to give and for which she has received no consideration? Kentucky either cannot tax it, or she has the right to tax it under the law as it stands. If she cannot tax the property, there is no necessity for waiting for a formal relinquishment of her right to tax; and if she has the right to tax it under the existing bargain, then you have no right to deprive her of that power.

The whole thing, turn it as you will, twist it as you may, comes back simply to the question which I stated at first. This canal company was a corporation. Of course it had shares of stock. The United States was a stockholder, I believe from the very first. The United States has become the owner of the entire stock, with the exception of five shares of \$100 each. It is the property of the United States; and the sole question is whether we shall administer our own property for the interest of the people of the United States, or whether we shall allow five men to block up the navigation of that river by administering that property in their own individual interest.

Mr. CONKLING. The Senator from Ohio [Mr. THURMAN] would seem to be somewhat anxious to place me in opposition to the measure, and even in opposition to the interests of commerce on the Ohio River. I hardly think the Senator has time to expend in that way. I notice, however, the apparent attempt to do so, in order to say to him that he may rely upon it that, despite any opposition which he may attribute to me, I shall vote for that which as I apprehend will be most certain to liberate the commerce of the Ohio River from all burdens; and will vote for this very bill if it turns out to be the appropriate and adequate remedy. I have not made an argument, as the Senator said in commencing his remarks; there is a vast difference between an argument and a mere statement of the question. It was the latter which I attempted to make in a very inadequate and partial manner; but certainly I made no argument. I mean to make none now; and yet I must take issue again with the Senator from Ohio.

He says, first, that Kentucky does not complain. I might inquire, why should Kentucky complain? If we choose to plant in the State of Kentucky \$1,300,000, or, as my friend behind me [Mr. CHANDLER] thinks it is, \$1,700,000, and subject it to the behests of Kentucky, and submit it to her power of taxation, I see not why Kentucky should complain. I rather think the Senators from any State represented here would feel warranted in withholding their hands and submitting with Christian resignation, if the United States should choose, by the action of the two Houses of Congress, to invest two or three million dollars in the State from which they come, subject to the taxation of the State. The question in such a case would seem to me to address itself, not to the interest, not to the State espousal, not to the local feeling of the Senators from Kentucky, but rather to the general judgment of the Senate as to what would be wholesome and wise.

Again, the Senator from Ohio says the rights of Kentucky are fixed; if Kentucky has a right to tax this canal, we cannot take away the right. So I said; and I thought that suggestion would "give us pause" when the question is whether we shall pay a million and a half for this canal, and pay it before we secure, if in truth it be necessary to secure, exemption from taxation for the canal. And yet the

honorable Senator from Ohio discusses it as if we did enough when we find that as the tree has fallen, so will it lie; if Kentucky has absolute police power over the canal, absolute power to bridge it as it pleases, absolute power to tax it as it pleases, that power and prerogative being with her Legislature, we have nothing to do with it. That seems to be his argument.

Why, Mr. President, to my mind the fallacy of that suggestion is as the fallacy would be if my honorable friend from Ohio should propose to sell me his farm, reserving the right after he had sold it and I had paid for it to use it and enjoy it and exercise all former rights of ownership over it; and then it should be said, "What of it? That is no reason why the bargain should not be completed." I submit that it would be every reason which would govern human judgment in such a transaction. So here, if it be true, as the Senator from Ohio says, that the right of Kentucky to tax the canal will be untouched by this action; and if this action consist of a voluntary payment by the Government of \$1,300,000 or \$1,700,000, manifestly the urgent question accosting us is whether we will not require that, preliminary to the payment, or simultaneous with the payment, of this great sum, action shall be taken by Kentucky which will give to us the value for which we pay.

I say again that I am not contending that Kentucky has this power. I express no opinion about it. I simply say that upon the argument that such power resides with Kentucky, one House of Congress has found that it would be improvident to consummate this legislation until that power is relinquished or extinguished; and so I say that it behooves the Senate to treat the question as it would treat any matter of importance, to the end that the Senator from Ohio or some other Senator may show us that there is no danger in this respect, or, if there be danger, may devise some provision to guard against it. That is all.

I say again, Mr. President, that in my belief this very important channel of commerce should be emancipated from the control of individuals, should not be enslaved by self-interest or burdened by impositions upon commerce; and in the maintenance of that belief, I will go as far with the Senator from Ohio as sound sense, as good faith, as reasonable legislative discretion will allow me to go. But I will not consent to "whistle down the wind" as "monstrous," in the language of the Senator, the suggestion that this question is worthy of examination, and worthy of intelligent decision.

Mr. SHERMAN. There are a few simple facts in regard to this matter which I think would settle it if they were fully understood; but this question being somewhat local in its character it is difficult perhaps to excite the attention of the Senate generally to it. The real ownership of the Louisville and Portland Canal is entirely in the Government of the United States. The history of that ownership has been stated properly by my colleague. In 1872, only two years ago, the United States, having completed its improvements, proposed to take possession of the canal, and then a proposition was made and invited from the State of Kentucky as to the terms on which this cession could be made. Here I invite the attention of the Senator from Michigan to the proposition of the State of Kentucky. The preamble recites—although I have not got it here I can state it substantially—that the United States is the exclusive owner of this property, subject to the ownership of one share in each of the five trustees in trust for the United States, and subject to a debt of about \$1,100,000, the precise amount of which is stated in the bill; and then the Legislature of Kentucky proceeds to resolve—

That the president and directors of the Louisville and Portland Canal Company are hereby authorized and directed to surrender the said canal, and all the property connected therewith, to the Government of the United States, upon the following terms and conditions.

And then follow four or five ordinary stipulations about reserving the police jurisdiction and matters of no great moment. I can read them all if it be necessary; and perhaps I had better read them all, so that the Senate may see the exact terms:

1. That the Government of the United States shall not levy tolls on said canal, except such as shall be necessary to keep the same in repair, pay all necessary superintendence, custody, and expenses, and make all necessary improvements.

2. That the city of Louisville shall have the right to throw bridges over the canal at such points as said city may deem proper: *Provided always*, That said bridges shall be so located as not to interfere with the use of the canal, and so constructed as not to interfere with its navigation.

3. That the title and possession of the United States of said canal shall not interfere with the right of the State to serve criminal and civil processes, or with the State's general police power over the territory covered by the said canal and its appendages.

4. And further, that the city of Louisville shall at all times have the right of drainage into said canal: *Provided*, That the connections between the drains and the canal shall be made upon the plan to keep out mud and garbage.

5. That the use of the water-power of the canal shall be guaranteed forever to the actual owners of the property contiguous to said canal, its branches and dams, subject to such restrictions and regulations as may be made by the Secretary of the Department of the United States Government which may have charge of the said canal.

This was the form of the Kentucky resolution pending when Mr. Speed, formerly Attorney-General of the United States, went to Frankfort and ingrafted as an addition the clause which I will read, and which has created all the embarrassment in this case. It must be remembered that this property, costing the Government of the United States over \$5,000,000, is now in the hands of five men claiming to act as trustees who levy the enormous toll of fifty cents a ton capacity on every vessel that passes through. They receive that money; they account to no one; they deposit it in a bank owned by them, and

every one of those trustees is an officer of the corporation, drawing a salary as such. Mr. Speed being attorney for the corporation, and interested in the continuance of this private monopoly levying a taxation that is more oppressive than was ever levied upon the river Rhine in the days of the barons of old—fifty cents a ton, amounting to about \$500 for every steamboat, and levying a dollar a ton on every coal-barge passing through the canal—Mr. Speed acting as attorney for the company, although this was the property of the United States, went to Frankfort and got ingrafted on this resolution of the Kentucky Legislature the clause which I will now read. I may state that he said so in the presence of my friend from New York and myself as members of the Transportation Committee. We examined the matter, and Mr. Speed gave this narrative himself. This clause was added at his suggestion:

6. That the Government of the United States shall, before such surrender, discharge all the debts due by said canal company, and purchase the stock of said directors.

This being plausible on its face, the Government of the United States accepted the terms of this cession. By a law passed a year ago we agreed to accept the cession of the Louisville and Portland Canal on the terms stated here, so that now there is a completed agreement in all respects between Kentucky and the United States for the ownership and possession of this canal; but here the difficulty lies: when the Secretary of the Treasury undertook to take possession of the canal he was met by the statement that the bondholders, the bonds being held by a great number of persons, would not surrender their bonds unless on certain terms and conditions, and because the Secretary of the Treasury did not think it was to the interest of the United States to comply with the terms and conditions proposed by the bondholders he could not take possession of the canal, for this sixth clause required him to pay the debts of the company. Those debts are bonded debts, and none of them are yet due, and some of them are not due for fifteen years to come. Therefore, under the sixth clause of this resolution of cession, the United States cannot take possession of the canal until the last bond is due, even if the United States were willing to pay par in gold and 500 per cent. premium. That is the condition in which this qualification has put both the United States and the State of Kentucky.

The feeling in Kentucky, in Louisville and everywhere else, is that the United States should take possession of the canal. Indeed Kentucky demands that we should now, having accepted its cession, carry out the terms and conditions of the cession and reduce the tolls. One of the conditions of this cession is that the tolls shall be reduced to barely enough to cover the mere expenses of management. The people of Kentucky—and I am sorry that my friend from Kentucky [Mr. STEVENSON] is not here to represent them—are just as anxious to carry out this arrangement as the people of Ohio and the people of the whole Ohio Valley.

The sole and only object of this bill was to remove the difficulty which grows out of the sixth clause of the Kentucky resolution. We have provided by the bill, as it was reported by the Committee on Finance and passed by the Senate, that instead of buying these bonds the United States assumes them, the money already having been appropriated to pay them. In order that the United States may not be placed at the mercy of these bondholders the bill provides that the United States assumes the payment of these bonds, having already appropriated the money and received and accepted the canal subject to the payment of these bonds when they mature. That enables the Government of the United States to take possession of its own, subject to the lien of the bonds and subject to their payment when due. The bondholders have made no complaint about this matter. Their interests are perfectly protected. Their lien is protected. There is no complaint coming from anybody in Kentucky about this matter, and there is no opposition to this measure of a local character except so far as these five trustees manifestly have an interest. But this amendment which has been proposed comes from a member of the House from the State of New York. I have read his speech with care. He desires that before the United States shall take possession of its own Kentucky shall consent to some other terms and conditions not imposed in this law. If such a transaction were to occur between private parties and one of the parties being dissatisfied with the agreement should say, "I will not carry out this unless you give me some other advantage, some other facility," the answer would be very prompt, "You have already agreed to the terms of the cession upon which you would receive this canal, take possession of it, and manage it for the benefit of the people of the United States, without any tolls except sufficient to cover expenses." Kentucky might promptly so respond; but in Kentucky they understand distinctly that they have no power to tax the canal, and it has been so asserted in the State; but whether they have or not, I consider that point entirely immaterial now. The gentleman who reported this bill in the House, the bill being under the previous question and he having the control of the debate, practically allowed no discussion after this amendment was offered. He offered the amendment, and it was added to the bill.

Now, if the Legislature of Kentucky was in session, if there was no great delay caused by this, I have no doubt the State of Kentucky would promptly accede to the modification proposed by this amendment. But the fact is that for two years that Legislature cannot be

in session under their constitution, unless called for a special purpose, and the people of Kentucky have no more interest in this matter than the other people of the United States, and it would be rather unreasonable to impose on the Commonwealth of Kentucky, she having already consented and done all we desired her to do, the necessity of calling the Legislature in extra session for the purpose of passing a law to agree to additional terms and considerations to a proposition that has already been accepted by the United States. Therefore the passage of this amendment, whether so intended or not, will delay for two years the taking possession of this canal, and will compel the people of the whole Ohio Valley to pay this enormous toll on their entire commerce for two years. These trustees disregard your law. The Senator from Michigan reported a bill which reduced this toll to twenty-five cents a ton. These trustees having the bare, naked ownership of this canal, disobeyed your law, declared that you had no power to pass it until you accepted conditions of the State of Kentucky, disregarded it, and continued to levy fifty cents per ton, instead of twenty-five cents, according to the law the Senator from Michigan reported. They have the legal control of it, and until the Government of the United States take possession, you cannot pass any law in regard to it, because, although they have really only a mere technical ownership, yet they have an ownership which they can maintain in the courts.

Now, if this bill is sent to a committee of conference an amendment can be proposed which in my judgment will be consented to by every member of the Senate. In the heat of debate, after the previous question had been called in the House, there was an amendment suggested by a member from the State of Pennsylvania [Mr. CLYMER] which I should be perfectly willing to accept, representing the people of Ohio, who are so much interested in this matter, and which I have no doubt, if there had been an opportunity for debate in the House, (at least I am so informed,) would have prevailed. I will read it. Remember, the only question being now as to whether the taking possession of the canal shall be postponed until the Legislature of Kentucky meets, the proposition that is pending now ingrafted on this bill, that the United States will not take possession for two years, until the Legislature of Kentucky meet and agree to the modification of the terms of cession—pending that, the member from Pennsylvania offered this proposition, to which I do not see any objection:

Provided further, That if the State of Kentucky shall not cede to the United States jurisdiction over said canal, with all its property, hereditaments, and appurtenances, and relinquish to the United States the right of said State to tax or in any way assess said canal, its property, hereditaments, and appurtenances, or the property of the United States that may be thereon, during the time that the United States shall remain owner thereof, at or during the time of the first session of the Legislature of said State hold after the passage of this act, that then the United States shall levy and collect tolls on said canal at the rate of the existing tariff of tolls on said canal until the United States shall be reimbursed and repaid in full for all moneys paid and expended by virtue of this act and until such cession is made.

I would modify this somewhat. In my judgment, if the State of Kentucky insists upon levying a tax on this canal, and if it should be held by the courts of the United States that the result of this compact and agreement between Kentucky and the United States reserved to the State of Kentucky the power to levy a tax on this property of the United States, and the State of Kentucky should exercise that power, which I do not believe would be done, then I am perfectly willing that the tax thus paid to the State of Kentucky shall be added to the ordinary expenses of the canal, and the whole be levied as a toll on commerce. By the law as it stands, all the expenses of maintaining this canal are still levied in the nature of a tonnage tax; and if the State of Kentucky can levy a tax on this property, that will be part of the expenses of management and there would be no difficulty in adding it to the amount of toll to be collected from the commerce of the Ohio River.

Mr. THURMAN. Will my colleague allow me a moment to make a suggestion to him? He is supposing a case that is not supposable. I have looked a little into this matter of whether Kentucky can tax this canal, and I say it is perfectly clear, on the legislation of Kentucky herself, that she cannot tax this property. The statute of Kentucky of 1842, which was an invitation to the Government of the United States to purchase the stock of the company, and which authorized the sale of the stock to the Government of the United States, contains this provision:

And when the said shares shall have all been purchased, the same shall be transferred to the Government of the United States, on condition of said Government levying tolls for the use of said canal only sufficient to keep the same in repair.

That is a fundamental condition; and of course if the Government is not to levy tolls to pay taxes, it cannot do it by this very fundamental condition.

Mr. SHERMAN. I had forgotten that law, although I have no doubt I have read it. It seems to me the statute of Kentucky read by my colleague precludes the idea. I do not suppose ten members of the Legislature of Kentucky, when this property was taken possession of by the Government of the United States for their benefit, would think of taxing it. I do not believe the General Assembly of Kentucky would propose to levy a tax on this canal in the hands of the United States. As long as it was the property of private individuals, managed by private trustees, and a large profit made by those trustees out of its management and the tolls levied, the State of Kentucky might tax the property of that corporation like the property

of any other corporation; but when that property is taken possession of by the Government of the United States I have not the slightest idea that any proposition will be made to tax it; but if such a proposition should be made, it is at once met by the law already read by my colleague.

Now, I beg the Senate to remember that this incumbrance—and my friend from New York saw it—this incumbrance to the navigation of the Ohio affects about ten States, nearly one-half the people of the United States directly. The amount of that commerce is estimated by statistics laid before the Committee on Transportation, when reduced even to the lowest amount, to be more than \$1,000,000,000; and all of that must necessarily, in nearly all the stages of water on the Ohio River, pass through this canal. This incumbrance has been regarded, ever since I can remember anything, as one of the most burdensome things that could possibly occur. I trust now, when we have an opportunity to relieve from this load so large a portion of the people and a commerce so large, we shall do it by completing this legislation. Hitherto we have been balked at every step by the private interests we have created; and if any lesson is required to teach us never to trust to an individual corporation to manage the property in interests of the United States, we have in this case of the Louisville and Portland Canal another striking example. The idea that five men, without a dollar invested there, without a particle of interest, when every dollar of the property is owned by the United States, are now managing without restraint and without account a property that cost us \$5,000,000, and levying a tax so burdensome on commerce as that which has been stated, is a thing that ought immediately to attract the attention of the Senate. This bill is intended at least to remove this "Old Man of the Sea" from the commerce of the Ohio, and to give to the United States and the officers of the United States possession of this property, levying only sufficient tolls to pay the ordinary current expenses of managing the property.

Mr. CHANDLER. I think the arguments of both Senators from Ohio must convince every member of this body that the subject should be carefully considered by some committee of the Senate. We have put within the last five or six years something over two millions of money into this canal. If we have placed it there subject to taxation by the State of Kentucky we have made a very grave mistake. We ought never to have done that. Now it is proposed to put considerably over a million more funds of the Treasury of the United States into the jurisdiction of Kentucky. I think we should know, before we put another dollar there, whether it is to be under the control of the Government of the United States or of the State of Kentucky. Why, sir, you do not build a light-house in any State in this Union that you do not have jurisdiction ceded by the State to the United States before you lay a stone or a brick.

Mr. THURMAN. The Legislature of Kentucky passed two acts ceding jurisdiction to us.

Mr. CHANDLER. Let us examine them and see whether they are proper acts. The whole subject in my judgment requires careful investigation by some committee of this body. Most of these appropriations were recommended by the Committee on Commerce in the river and harbor bill. I therefore move its reference to that committee, and certainly some committee of the body should carefully examine this whole question and report on it to the Senate.

Mr. CONKLING. Mr. President, reluctant to intrude once more upon the Senate, I think I ought to do so in consequence of a remark made by the Senator from Ohio who sits farthest from me, [Mr. THURMAN.] He rather chided his colleague for discussing even as a hypothesis the idea of Kentucky having the power to tax the canal and attempting to forecast what might happen in case the courts should affirm that power; and reading the act of 1842 the Senator said "no such case can arise; it is impossible, because Kentucky has already" clearly—that was his argument if he did not say it—"released the right to tax and forever extinguished it." As the Senator from Ohio nearest me [Mr. SHERMAN] has referred to the proceedings in the House, and as I have no other record to refer to, I beg to call attention to what that record shows, first asking the Senate to bear in mind that the parties concerned are on the one side the United States and on the other the State of Kentucky; and a singular occurrence, if the Senator from Ohio [Mr. THURMAN] be right, is that although there was no right in Kentucky to tax this property because it belonged to the United States, and although there was no sense in the United States taxing it because it was its own, both parties have concurred in taxing it as the property of the State of Kentucky. Is not that very odd if in 1842 it ceased to be the property of Kentucky, or if the power to tax it terminated absolutely?

Mr. THURMAN. Nobody has said that.

Mr. CONKLING. What did my honorable friend say?

Mr. THURMAN. Nobody said that in 1842 it ceased to be the property of the company. The act of 1842 gave the consent of Kentucky to the United States becoming the owner of stock in that company, but it took years after that.

Mr. CONKLING. When did it happen that the United States became owner?

Mr. THURMAN. I cannot tell without referring to the documents.

Mr. CONKLING. A short time after that?

Mr. THURMAN. No; a long time after it.

Mr. CONKLING. Why, Mr. President, the United States at that time had become the owner of part of this stock.

Mr. THURMAN. It was impossible to get it.

Mr. CONKLING. A short time after that the United States began to increase its ownership of stock, so that whether it was in the year 1842 or not, it was prior to the period as to which I am going to read that that law took effect, if it ever took effect, which the Senator from Ohio says made this the property of the United States and cut off the power of the State of Kentucky to tax it; and yet that law, now so clear that no Senator would doubt it, we are told, having taken effect, both the United States and the State of Kentucky, I repeat, concurred in visiting this property with taxation and treating it as the property of the Commonwealth of Kentucky. Now I read from the remarks of my colleague in the House, the remarks to which my friend from Ohio referred:

Mr. WHEELER. * * * From 1846 to 1853 the State of Kentucky taxed this property systematically, as I will show you. Let one instance suffice for all. In the report of the canal company for 1846 this remark occurs:

"It will be noticed by an item in this account that the State of Kentucky has taxed the entire property and franchises of the canal; consequently no stockholder can be held to give in the amount of his stock for taxation, and thus be subjected to a double tax."

Mr. HOLMAN.—

Mr. HOLMAN being the member having the bill in charge at the time—

Mr. HOLMAN. I would ask the gentleman whether he laid this information before the committee?

Mr. WHEELER. I did not. I did not have it when the bill was in committee.

Mr. HOLMAN. What document is the gentleman reading from, and where did it come from?

I beg my friend from Ohio farthest from me [Mr. THURMAN] to observe what follows in relation to his remark that all this was discussed before the Senate and discussed a year ago. It will be observed that here was a challenge of the genuineness of this evidence newly discovered.

Mr. WHEELER. It is a volume containing the reports of the company.

Mr. HOLMAN. Who furnished it?

Mr. WHEELER. I beg to say to the gentleman that I have the right to fortify myself in this debate with such facts and arguments as are within my reach. I am responsible to the House for the truth of my allegations. And I say that from 1846 to 1853 the State of Kentucky systematically taxed this canal, and the United States itself taxed it during the war. Look at the report for 1866, and you will find this assertion substantiated.

Mr. MORTON. How was it after 1853?

Mr. CONKLING. I will come to that in one moment:

And I say that from 1846 to 1853 the State of Kentucky systematically taxed this canal, and the United States itself taxed it during the war. Look at the report for 1866, and you will find this assertion substantiated. Surely a strange proceeding, that the United States, having become owners of this property in 1853, as is claimed by the gentleman from Indiana, should tax it in 1866. When before did the Government of the United States ever tax its own property?

I pass on to read this further statement:

I have here the report of the canal company for the year 1866, in which I find this concluding remark:

I think the Senator from Indiana asked me how it was after 1853. Here now I read:

The taxes paid in those two years (1865 and 1866) were also unusually heavy, amounting in the former year to \$11,698, of which \$7,676 went to the United States, and in the latter to \$10,430, of which \$6,430 went to the United States.

Now, Mr. President, we cannot wink so hard as not to see that here is a case in which the United States and the State of Kentucky concurrently and simultaneously have affirmed by that highest power, the power to visit with taxation, that this property did belong to the State of Kentucky; and that time, let it be remembered, was subsequent to the time when the acts of 1842 and 1844 and the proceedings by which they were followed had taken all the effect that they have to-day.

Mr. MORTON. Let me ask the Senator under what law and in what way did the United States tax the canal?

Mr. SHERMAN. Like any other corporation.

Mr. MCREEERY. Let me ask the gentleman from New York if the canal was not the property of a private corporation at the time those taxes were imposed?

Mr. CONKLING. Being hardly a judge of this matter from lack of information, I say to the Senator from Kentucky that that was the argument of my colleague in the House, and that was the argument upon which the House adopted this amendment; that was the argument upon which the House said that we could not of our mere motion upon our one-sided action, go into the State of Kentucky, and take from the Commonwealth of Kentucky and from a private corporation created by it the franchises and property representing this canal and make them our own merely by appropriating that great sum of money contained in this bill and by arming the Secretary of War with such power as is found in those words which declare that he is authorized to take possession of this work. Why the Secretary of War rather than the Secretary of the Treasury, who has always administered this business before, was authorized, I do not know unless it was to be under the war power.

Mr. MORTON. I ask the Senator if the act of the Kentucky Legislature of 1842 is correctly recited here? I have not got the act itself, but I find it quoted in the House debate.

Mr. CONKLING. I have no reason to doubt it, but I have no information on the subject.

Mr. THURMAN. The Senator from New York has only got a part of the statute.

Mr. SCOTT. I have the act of 1842 before me.

Mr. MORTON. That is the one I want to see.

Mr. SCOTT. I had got it in order to call attention to the purpose for which it was enacted. With the permission of the Senator from New York I will read the first section in connection with that section from which quotation is made in the debate to which he has referred. The first section reads thus:

That the act incorporating the Louisville and Portland Canal Company shall be, and the same is hereby, so amended that, whenever the stockholders in said company shall so direct, the board of president and directors of said company shall have the privilege of selling the shares of stock owned by individuals in said canal to the United States, or the State of Kentucky, or the city of Louisville, for the purpose of eventually making the said canal free of tolls; or, further, to effect this object, the board of president and directors, when so authorized as aforesaid, shall hereby have the privilege of appropriating the net income arising from said canal to the purchase of said stock instead of making dividends therewith.

That is the first section. The fourth section reads:

Be it further enacted, That the shares so purchased by said board shall be held in trust by it, for the purposes herein declared, and shall be voted on by them at all subsequent meetings and elections, until, by the operation of the provisions of this act, all the shares standing in the name of others than the Government of the United States shall have been purchased up; and when the said shares shall be all purchased, the same shall be transferred to the Government of the United States, on condition of said Government levying tolls for the use of said canal, only sufficient to keep the same in repair, and pay all necessary superintendence, custody, and expenses, and make all necessary improvements, so as fully to answer the purposes of its establishment; and, further to protect and guard the interests of commerce, the superintendents or agents in charge of said canal shall ever hereafter, on the first Monday in January, annually, report to the General Assembly of Kentucky the amount of tolls levied and received, and of the charges and expenses incurred on the same—the General Assembly reserving the right of directing the amount annually to be collected, if found too much for the purposes contemplated by this amended act.

That the whole legislation may be here incorporated, I will also read the act of 1844:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in the event of the United States becoming the sole owner of the Louisville and Portland Canal, the jurisdiction of this Commonwealth over said canal shall be yielded up to the Government of the United States; and no annual report, as mentioned in the charter of the Louisville and Portland Canal Company, shall be required to be made by the United States, or the agents and superintendents of said canal, to the General Assembly of this Commonwealth.

Mr. SHERMAN. I should like to read to the Senator from New York now, so that we may have the facts, the statement made before us by Attorney-General Speed, giving the history of this matter at Louisville.

Mr. CONKLING. My friend need not read it for my information, as I have it.

Mr. SHERMAN. I will read it presently to place it on record.

Mr. CONKLING. The Senator from Ohio farthest from me [Mr. THURMAN] spoke so sweetly and so softly a moment ago that I fear the reporter lost a fact stated by him, namely, that I knew nothing about this matter, and that there was no force whatever in my argument. I wish to put that fact into the case on the other side, thinking that it is entitled to all the strength which belongs to it; and I also observe upon it that if I know nothing about this case, and if I shall learn nothing about it, that misfortune will be mainly due to the triumphant management of the honorable Senator from Ohio farthest from me, who seems to be willing to agree to almost anything under the sun on this subject, except that the measure shall go to a committee, or somewhere else where it can be understood, and where a report can be made so plain that even I can comprehend it. It is so difficult for the whole Senate to act intelligently upon information locked up in the breast of one member of it, that it seems to me that if we could take some mode of diffusing all over the Senate the information which now resides especially with one of the Senators from Ohio, we might gain some light by reflection or otherwise in that way.

Coming back now to these acts which have been read by my friend from Pennsylvania, both of which bear upon the subject before us, I observe that they prove, as I understand them, much of that which was contended for in the other House. Why? The act of 1842, which the Senator first read, refers to what shall occur upon a transfer of shares of stock. I understand, and I am informed just now again by very good authority, that every share of stock to this day stands where it stood on the books; there has been no transfer of ownership. On the contrary, those shares of stock paid for originally by the revenues of the canal remain precisely in the ownership in which that payment placed them. That is my comment upon the act of 1842.

Next the Senator comes to the act of 1844, which provides that whenever ownership shall be made over by Kentucky to the United States, jurisdiction shall cease on the part of Kentucky over the canal.

Mr. SCOTT. Will my friend permit me to call his attention to a recital in the act of the Legislature on that question of ownership?

Mr. CONKLING. Certainly.

Mr. SCOTT. On the 28th of March, 1872, the Legislature of Kentucky passed the following resolution:

Whereas all the stock in the Louisville and Portland Canal belongs to the United States Government, except five shares owned by the directors of the Louisville and Portland Canal Company, and said directors, under the authority of the legislation of Kentucky and the United States, executed a mortgage to Isaac Caldwell and Dean Richmond to secure bonds, &c.

This recital would seem to acknowledge on the part of the State of

Kentucky that the United States is the owner of all the shares of stock in that canal but five.

Mr. CONKLING. It would seem to acknowledge that which is too notorious to be a subject of comment, namely, that in equity all this stock, five shares excepted, belongs to the United States; but when we are discussing the effect of the statute nobody can instruct my astute friend as to the fact that the question is in a measure technical, and at this point it involves the inquiry whether the particular thing nominated in the statute has taken place; and I say again that I am informed that upon the books of the company the shares remain where the shares of stock were. I know nothing about it; I never saw the books; but I make the statement as it is given to me, and make it for the purpose of saying that it is one point in the case which it might be desirable to investigate and ascertain.

Mr. SCOTT. If my friend will permit me, if he will follow this act of 1872, he will see that it provides—

That the president and directors of the Louisville and Portland Canal are hereby authorized and directed to surrender the said canal, and all the property connected therewith, to the Government of the United States, upon the following terms and conditions, &c.

And if it be true that the United States is in equity the owner, would my friend standing here and, making a technical question upon this, say that if a court were called upon to pass on the question they would not consider that as done which ought to be done, and the beneficial owner of this stock as entitled to all the remedies he would have if it were transferred to him on the books, supposing that to be the case?

Mr. CONKLING. Yes, Mr. President, instructed only as I am I should stand up here or anywhere to maintain a proposition which I now state. The statute of Kentucky declaring—

And when the said shares shall be all purchased, the same shall be transferred to the Government of the United States on condition of said Government levying tolls for the use of said canal only sufficient to keep the same in repair and pay all necessary superintendence, custody, and expenses, and make the necessary improvements, so as fully to answer the purposes of its establishment—and following with other conditions; that being the statute; and the fact, as I understand it, being that although the certificates of stock have been surrendered, no actual transfer of the stock has ever been made, I should say that a question arises whether the rights there contemplated have become perfect and consummated in the United States. That is all I mean to say. I disclaim over again arguing this question on either side. I am merely now endeavoring to impress upon the Senate the belief that there is that here worthy of some examination.

So, coming to the act of 1844 which provides that upon the ownership being made over, the jurisdiction of the State of Kentucky shall cease, I say that goes back to a question of fact, results in a question of fact, and a somewhat complicated question of fact. If the conditions have all been complied with, and no other legislation is necessary, the whole thing is concluded; but if, on the other hand, other legislation was contemplated, or if the conditions have not been complied with, then a question arises upon that statute.

But, Mr. President, I take leave, I hope, finally of this subject—I am very sorry to have vexed the ear of the Senate so long—by saying that one great fact stands out like a sunbeam in this case; nobody can fail to observe it; and that is, that after 1842, after 1844, after 1853, after 1855, after every period which marks a step in the acquisition of rights by the United States, both the United States and the Commonwealth of Kentucky have concurred in treating not merely in words, but by acts speaking louder than words, the Louisville Canal as the property not of the United States, but of the State of Kentucky. I say that since the last of these acts of which the record speaks, I know of nothing changing the status except the resolutions passed in 1872, for which I will trouble my friend from Pennsylvania if he has them before him, and those resolutions contain a variety of conditions which certainly present a substantial question, not a technical question, to the Senate, whether, submitting to them all, it is wise to vote this money. I shall not advert to them all; but I beg to call attention to two of them.

First, the Government shall not levy tolls above a prescribed sum. Secondly, "the city of Louisville shall have the right to throw bridges over the canal at such points as said city may deem proper."

I stop there for a moment. I will read the proviso in a moment. Is it not somewhat anomalous that a State should have a right to bridge, intrude upon, control the property of the United States, bought and paid for out and out, whether it be a navigable stream or anything else?

Provided always, That said bridges shall be so located as not to interfere with the use of the canal, and so constructed as not to interfere with its navigation.

Who is to judge of that? I should like to ask you, sir, who is to judge of that upon this statute? Is the United States to litigate in court with the State of Kentucky the question whether some erection is an impediment to commerce, whether it is that which at common law could be prostrated as a nuisance? No arbiter is here. It is a naked and somewhat vague proviso, with no tribunal to solve the questions raised in it.

The city of Louisville shall at all times have the right of drainage into said canal. *Provided*, That the connections between the drains and the canal shall be made upon the plan to keep out mud and garbage.

That is rather odd. Who is to determine that? It is very well

when you arrive at it; but in considering that this is our own property, that we are buying it and making it our own, it is rather odd that somebody is to have a right to drain into it with simply the provision that he do not fill it up with mud and garbage, and that it is left to somebody, we know not who to determine that question.

That the use of the water-power of the canal shall be guaranteed forever to the actual owners of the property contiguous to said canal, its branches and dams, subject to such restrictions and regulations as may be made by the Secretary of the Department of the United States Government which may have charge of the said canal.

The Government of the United States shall, before such surrender, discharge all the debts due by said canal company, and purchase the stock of said directors.

I remark upon those conditions that they are very remarkable if the case be one in which the property is really ours, or even one in which it is to become absolutely ours if we appropriate the money contemplated by this bill.

I think it would be quite prudent that we should investigate the whole case; and I assure the Senator who has been most enthusiastic in it that I will go as far as he will go in insuring once for all, without leaving open questions hereafter, the substance and essence of this thing, namely, a liberation of the commerce of the Ohio River from all unnecessary impositions, to the end that the utmost accommodation may be afforded which the circumstances permit.

Mr. MORTON. Mr. President, I see no occasion to make a very great mystery of this subject or to assume that there are great complications or difficulties surrounding it. I confess I do not see them. The history of this canal is this: Many years ago the Legislature of Kentucky chartered a company with the consent of the United States, to construct a canal around the Falls of the Ohio River. That charter provided that the United States might subscribe to and hold a part of the stock. The Government of the United States did subscribe and become a part owner of the stock. Subsequently it became the owner of all the stock and the owner of the canal, except technically that five shares, one each, remained in five persons who were thereby the directors of the company. All the substantial interest of the canal passed into the United States, but as a mere form of law and to keep the corporation alive, and for no other purpose, five persons were each allowed to hold one share of stock—\$500. The substantial property, the interest, and control of the whole canal, passed into the United States from that time.

Now, I wish to read the act of the Kentucky Legislature under which this took place:

That the act incorporating the Louisville and Portland Canal Company shall be and the same is hereby, so amended that, whenever the stockholders in said company shall so direct, the board of president and directors of said company shall have the privilege of selling the shares of stock owned by individuals in said canal to the United States, or the State of Kentucky, or the city of Louisville, for the purpose of eventually making the said canal free of tolls; or, further, to effect this object, the board of president and directors, when so authorized as aforesaid, shall hereby have the privilege of appropriating the net income arising from said canal to the purchase of said stock instead of making dividends therewith.

Here this canal company was authorized to buy up this stock for the United States or for the State of Kentucky. Congress passed an act authorizing the directors to buy it up for the United States, and it was bought for the United States, and the property has been held by the United States ever since. It became a matter of contract. It was provided that whenever the United States became the owner of all this stock the jurisdiction over the canal should pass to the United States. The effect of that contract was, that whenever the Government of the United States chose, in addition to what she had done, to pay \$500 to these five directors, buying up the last five shares, she would become not only the owner, but the absolute manager in the control of the canal. This is a matter of contract. The State of Kentucky cannot go back on it. It may pass as many new conditions as it pleases; that makes no difference. By a contract with the State of Kentucky the Government of the United States became the owner of all but five shares more than twenty years ago, and had a right to take possession of the canal whenever it chose to buy out the remaining five shares; and this act contains an appropriation for buying out the remaining five shares. Whenever the Government does so, it has a right to take absolute possession, and it is not in the power of the Legislature of Kentucky to impose any new conditions. All of these new conditions imposed by the act of 1872 are in absolute violation of the contract made with the United States; and I call the attention of the Senator from New York to that fact.

Mr. CONKLING. May I inquire of the Senator how it happens that the taxation by both governments occurred long after the prior rights to which he has referred?

Mr. MORTON. I expect that, in the prosecution of the war and the multiplicity of business, officers of the United States had not always a very much clearer comprehension of this subject in dealing with it than a good many Senators of the United States; and the Legislature of Kentucky may also have acted in the same way. But there it is now; there is no getting over that; that the Legislature of Kentucky, as long ago as 1842, authorized the Government of the United States to become the owner of this canal, and it did become the owner of it; and it is not in the power of the State of Kentucky to impose any new conditions upon it. How are we to get over that? My friend says it is notorious that the United States has for years owned all that stock but five shares. A mere technical interest remained in that corporation for certain purposes; but the substantial control all the time has been with the United States.

Why, sir, when the bonds were issued by that corporation subsequently to enlarge the canal, they were issued under the operation of an act of Congress expressly authorizing that corporation to do it, and there was another act of Congress, which I have before me, empowering that corporation to use the dividends for the purpose of constructing an enlargement of the canal. The substantial management has been with the United States all the time, and there has been no question but that the whole interest was with the Government, and a mere technical interest remained in that corporation which under the original contract the Government of the United States had a right to take possession of at any time by buying out the remaining five shares. I remember urging here, I believe in concert with the Senator from Ohio, [Mr. SHERMAN,] some four or five years ago, that those five shares ought to be bought and the Government take possession and control of the whole thing.

When the Legislature of Kentucky in 1872, under manipulation, too, as I have no doubt, and without a very clear knowledge of how this thing stood, passed the act just referred to by the Senator from New York, it was in absolute derogation and violation of the original contract; they were imposing terms and conditions upon property in which they had no interest at all. It was absurd for them to do it, to make new terms that the city of Louisville should be allowed to bridge that canal and should be allowed to empty her sewers into it, and this, that, and the other thing. Now mark it:

That the use of the water-power of the canal shall be guaranteed forever.

And further:

That the Government of the United States shall, before such surrender, discharge all the debts due by said canal company, and purchase the stock of said directors.

Purchasing the stock was the original condition, and that was all there was of it; and whenever the Government did that the absolute control of the canal came to the Government, and every other condition is a nullity.

Mr. FRELINGHUYSEN. What is the date of that act?

Mr. MORTON. It was in 1872, long after the Government of the United States had been making appropriations for this canal, and large ones, from year to year, in view of the original contract that had been made.

Mr. SHERMAN. Will my friend allow me to read an extract from the testimony of Attorney-General Speed, as the legal history of this matter?

Mr. MORTON. Certainly.

Mr. SHERMAN. I wish to call the attention of the Senator from New Jersey to this statement. The Senator from New York [Mr. CONKLING] seemed to be in doubt as to when the United States had finally got possession of the last of this stock. It was in 1857. Mr. Speed then gives the history of the matter, as follows:

Now the thing thus stood in 1857, with these five directors having the canal and holding it in trust for the Government of the United States under a Kentucky charter. The business of the country absolutely demanded that the canal should be enlarged. They got this act passed through the Kentucky Legislature, and then came the doubt whether, as the revenues belonged to the Government of the United States, it was competent for the Legislature to appropriate those revenues in that way.

Congress then, in 1860, after years of application, passed a resolution authorizing the revenues and credit of the company to be used for enlarging the said canal, and to construct a branch canal. So, under the act of 1857 and under the resolution of Congress of 1860, the directors proceeded to enlarge the canal. They used up the funds which they had on hand, and under the authority of the Kentucky Legislature and under the resolution of Congress they made a mortgage on the revenues of the canal and proceeded to the execution of the work.

That is the history of it.

Mr. HOWE. Who made that mortgage?

Mr. SHERMAN. This same canal company, with the authority of Congress and the authority of the Legislature of Kentucky, both concurring. At that time Congress refused or at least declined or neglected to take possession of the canal, and the repairs were allowed to go on under charge of the Engineer Department, but under the authority of this trusteeship, and the work was completed just before the passage of the act of 1872. The work of the United States being completed and all the debts extinguished except this bonded liability of \$1,110,000, then the State of Kentucky passed a joint resolution in 1872 which recited that the Government owning all this property, the trustees should be directed to transfer the legal title over to the United States upon certain terms and conditions, all of which have been agreed to by the Congress of the United States except the last, which for the reason I have stated we could not agree to.

Mr. HOWE. That legal title was an equity of redemption?

Mr. SHERMAN. Yes, an equity of redemption. It was the property subject to the mortgage. That is what we take possession of under this bill, and all we propose to take possession of.

Mr. MORRILL, of Vermont. May I ask the Senator from Ohio, if he can tell me, what has become of the large profits derived from this canal? I notice that it has been asserted that they have been exacting very large tolls. What has become of those large tolls? Have they all been divided among these five stockholders?

Mr. SHERMAN. No, sir; they have been applied to the purchase of the stock. The Government of the United States did not appropriate money to buy in the stock, but the revenues of the canal have been applied to purchasing in the stock of other stockholders.

Mr. MORTON. And a large portion of it to the construction of the enlargement of the canal.

Mr. SHERMAN. And a portion of it for the salaries of these trustees.

Mr. MORRILL, of Vermont. As the company was first chartered by the State of Kentucky and those conditions were inserted in the laws of 1842 and 1844, what is there to prevent the Legislature of Kentucky from subsequently altering or changing the terms prescribed by the acts of 1842 and 1844?

Mr. SHERMAN. They cannot do it because those laws are a compact with the United States, under which the United States have invested \$5,000,000, and the State of Kentucky cannot pass any law impairing a contract with the United States, nor do they propose to do it. The State of Kentucky, so far as I can see, has acted in perfect good faith in this whole matter.

Mr. MORTON. How long has the enlargement of the canal been going on?

Mr. SHERMAN. It commenced during the war. I think it took about six years. It has just been completed now.

Mr. MORTON. The United States have been appropriating, I think for nearly ten years, in the way of enlargement of that canal on the faith of this very contract, and the property has been constantly recognized as being in the United States. Now, the question of the right of Kentucky to tax the property does not affect the question of possession. It is now proposed to give to the United States the actual possession of this property, and take it out of the hands of the trustees, and that is all there is in this bill. Whether the taxes spoken of were valid or not, is not now the question. The question is, is the Government entitled upon the payment of the remaining five shares to take absolute possession of this property? And for that we have a positive contract with the State of Kentucky more than thirty years ago.

Mr. HOWE. Will the Senator allow me to inquire when and where the trustees have rendered an account of their management of this property?

Mr. SHERMAN. This bill requires them to render an account. It directs the Secretary of the Treasury to institute the proper proceedings.

Mr. HOWE. No such account has ever been rendered?

Mr. SHERMAN. So far as I know, they have not rendered an account. If they have, it has been to the State of Kentucky.

Mr. MORTON. They have rendered an account practically to the engineer of the United States in charge, General Weitzel, and have done so for several years.

Mr. HOWE. Has it ever been put in print?

Mr. MORTON. Yes, sir; I think there is a document here now that refers to the account. I think they have settled with him or have accounted to him practically.

Mr. FRELINGHUYSEN. I understand a mortgage was given to secure those bonds. About what time was that mortgage given?

Mr. MORTON. I do not remember.

Mr. SHERMAN. The mortgage was given in 1857. Some of the bonds, I think, are thirty-year bonds and do not expire until 1886.

Mr. FRELINGHUYSEN. This public work did not belong to the United States then in 1857?

Mr. SHERMAN. It was still held in the name of the trustees; but both the United States, which then owned the beneficial interest, and the State of Kentucky, which held the jurisdiction, concurred in authorizing this company to borrow money and issue bonds, and continue the work in the name of the trustees.

Mr. THURMAN. The Government of the United States at the time that mortgage was authorized and issued owned all the stock of this company but five shares.

Mr. FRELINGHUYSEN. So I understand; but they did not own this work, or else they only could have given a mortgage.

Mr. SHERMAN. The United States did not own it at all. The whole matter has been in the hands of these trustees.

Mr. FRELINGHUYSEN. So I understand; but there comes the question, does it not, at that point, as to the right of taxation? If the United States did not own the canal at all, there may be considerable question whether the State of Kentucky might not tax this property?

Mr. SHERMAN. I think when the United States take possession of it under a State law of Kentucky, which gives them jurisdiction when they comply with certain conditions, they have the absolute ownership free from all taxes, because they have exclusive jurisdiction subject only to certain police regulations.

Mr. MORTON. Mr. President, under the Kentucky act of 1842 the Government became the equitable owner of the canal, all except \$500. By the same act it had a right to become the legal owner by paying that \$500, and now we have passed an act authorizing the payment of that \$500 and the taking possession of the canal in pursuance thereof. There is the whole question. But subsequent to that time, two years ago, the Legislature of Kentucky came in and imposed new conditions which it had no right in the world to impose, and there is all the difficulty there is about the matter.

Now I want to state to the Senate the practical difficulty arising here, the oppression upon the commerce of the country. These five trustees, who are mere shadows, who are not trustees or owners in substance at all, have imposed heavy tolls upon the commerce passing through that canal and oppressed the commerce of the river in the way I shall show you now by a letter from the president of the Chamber of Commerce of Cincinnati. I desire the attention of the

Senate to this letter. It is dated March 19, 1874, and is addressed to General BANNING, member of the House, and is as follows :

CINCINNATI, March 19, 1874.

DEAR SIR: As I promised you, I respectfully present the following memoranda in relation to the Louisville and Portland Canal:

The steamer Thompson Dean left Cincinnati on Sunday, March 8, 1874, for New Orleans. With other cargo, she took barrel pork at thirty-four cents per barrel, in round numbers at two dollars per ton. It cost her one dollar per ton to pass through the Louisville and Portland Canal, going from Cincinnati to New Orleans, and returning boats are charged by their tonnage, without regard to the cargo they may have on board. They pay the full toll, though they may not have a ton of cargo on board.

Coal can be transported from Pittsburgh to New Orleans at about one dollar per ton; canal tolls on a steamboat going and returning are equal to the entire cost of taking coal from Pittsburgh to New Orleans in barges.

Steamboats can easily make the voyage from Cincinnati to Saint Louis, or to Memphis and return, in two weeks. A boat measuring six hundred tons and making such trips, if she always passed through the canal, would pay \$300 per week canal tolls.

It is very safe to say that a packet plying regularly between Cincinnati and Saint Louis, or between Cincinnati and Memphis, would during her life time pay as much money for tolls as it cost to build and furnish the boat.

A packet line between Cincinnati and Saint Louis was recently projected. The advantage of such a line to the valleys along all the western rivers would be of very great value. Since my arrival here I have heard that the project has been abandoned, because the tolls at the canal would exhaust all the profits expected to be derived from the establishment of the lines.

There are about three hundred thousand tons of iron ore to be transported from the banks of the Mississippi below Saint Louis to the coal-fields of the Upper Ohio during the current year. As the water on the Falls of the Ohio is less for ascending than descending boats almost the entire year, a large proportion of this iron will have to pass through the canal, thus adding fifty cents to its cost of transportation.

Facts like these could be furnished you from almost every department of trade.

Yours truly,

S. F. COVINGTON.

General BANNING.

These five shadows, having no substance beyond the \$500, control this question of tolls and oppress the commerce of that river. It is proposed now, in pursuance of the original contract, to pay them their \$500 and take possession of the canal. The Legislature of Kentucky now has imposed new conditions, and the effect of the amendment adopted by the House of Representatives is to put off the taking possession of the canal for two years, because the Legislature of Kentucky will not meet for two years in due course under the constitution of that State, and during those two years the possession of the canal will still remain with these five directors.

I trust, sir, that the bill will not be referred, but that the Senate will non-concur in the amendment of the House of Representatives and ask for a committee of conference, for I think the whole matter can be very readily disposed of on a proper understanding of the facts.

Mr. HAMLIN. I have a general knowledge of the subject of this canal, having been called upon very many times in my life to vote appropriations for its construction. I must say, however, that of the specific appropriations and the precise terms and conditions of law which are applicable to it, I am not now as well informed as I was at the time when the various acts were passed, both in Congress and by the Legislature of Kentucky. I therefore should like a little more specific information than I have on the various points about which Senators so much disagree here to-day.

I must say, sir, that this is the most remarkable debate that I have ever listened to in this body in all my life; and I hazard the opinion that you can search the records of this body from the day the Government was formed to this hour, and you can find no parallel to that which we have witnessed here; and if we are to follow it, I think the Senate had better be abolished; certainly, its committees had better be abolished, and the Senate say, "We will take the action of the House upon grave matters involving questions of law, involving the expenditure of large sums of money, and base our action upon it without an investigation save that which occurs here upon an incidental and running debate," as has taken place here now.

Mr. SHERMAN. This is a Senate bill.

Mr. HAMLIN. I know it is a Senate bill, and I know it was reported and passed and went to the House, and the House have amended it in a material manner.

Mr. THURMAN. To which we propose to disagree and have a committee of conference.

Mr. HAMLIN. To which you propose to disagree and send it to a committee of conference, which is the most objectionable way of closing legislation. It should never be done in any case where there is a full opportunity of discussing and considering the disagreeing votes of the two branches. I know that in the last days of a session, when it is utterly impossible to discuss the various amendments, we often take up an appropriation bill and disagree to the amendments of the other House in gross, and I think it is sometimes done without even reading the amendments.

Mr. CHANDLER. With the permission of the Senator from Maine, I desire to say that I care nothing as to the bill going to the Committee on Commerce. I would just as soon that it should go to the Committee on the Judiciary; but it should be referred to some committee.

Mr. SHERMAN. The bill originated with the Committee on Finance, because the letter of the Secretary of the Treasury on the subject, containing the papers, was referred to that committee. The Secretary of the Treasury submitted to the Senate the difficulty he had in purchasing these bonds, and his letter, together with the

accompanying documents, was referred to the Committee on Finance, and we prepared the bill with great care.

Mr. HAMLIN. I have no doubt the Finance Committee prepared the bill with great care; but notwithstanding that it did prepare it with great care, is was not the committee from which it ought to have emanated; it was a committee which had no just connection with the subject according to the usages of the Senate and the appropriateness of the various committees which we have appointed for special purposes.

Mr. SHERMAN. If my friend will allow me, the whole question in this controversy is not a question of commerce, is not a question of building the canal, or doing anything connected with commerce, but simply a question of the mode and manner of paying these bonds. Under the law, an appropriation has already been made to pay these identical bonds.

Mr. HAMLIN. I understand that; but I think it is a question which involves the commerce of ten States, and I think the Senator from Indiana said to the amount of \$1,000,000,000. If that is not a question of commerce, or a question affecting commerce in a very marked degree, I do not know what is. All questions that relate to commerce, that affect commerce, that have an appropriate connection with commerce, ought to go to the Committee on Commerce.

But I do not care whether this bill goes back to the Committee on Finance, or whether it goes to the Committee on Transportation, or whether it goes to the Committee on Commerce. I say that in the disagreement which has arisen here between the best lawyers in the Senate, between the keenest minds we have in the Senate, the one affirming the law to be this way, and the other affirming the law to be that way, it ought to go to our own committee for consideration and report that we may know and act wisely and understandingly upon what we do. I do not know that I shall not vote for the bill precisely as it passed the Senate; I do not know but that I shall vote for the amendment that was put upon it by the House; but I do think that instead of taking up the debates of the other House here, and reading them page after page, and showing that we are relying upon that body for the basis of our action, we ought to have the report of our own committee to tell us what is the law and what are the facts. I only say this, that I want to do that which shall best promote the commerce of the West. I want to put this matter upon a basis that when it shall have been accomplished it will best promote that great commerce.

Now let me suppose—and I believe it is a question that is yet undecided—that the State of Kentucky shall seek to tax these works after the Government shall have taken them completely within its own control; what is the result? I believe Kentucky is a State that will do everything that she ought properly to do. If she ought to cede jurisdiction, I believe she will do it, or will cede that power to the General Government which will enable the General Government to keep the works unobstructed and free. But suppose the other thing, that it be not so; what then? If Kentucky seeks to tax, and has under the Constitution the right to tax the property, we must impose tolls upon the business of the canal to pay those taxes. I hold that it is in the interest of every man who has a dollar of the commerce that floats upon that river, and in the interest of the very Senators who are asking us to pass this bill without knowing whether it is rightly guarded or not, that we so have it that this canal shall be at all times what they want, to wit, a free canal. Suppose, again, Kentucky will not agree to it, and that we are to be subject to this annoyance, and you stand here in that condition. I can only say what I would do; I would vote to obliterate the work and let the waters run to waste before I would vote again for the large sums that I have always cheerfully voted for these works, if any State were to come in and ask to tax the property of the Government designed to benefit its own commerce.

I look at this matter carefully in all its lights. I want to vote wisely. How can I? Shall I take the version of the law as given by the Senator from Indiana? He thinks the Senate bill is clearly right. I know that is his opinion. Shall I take the view of the law suggested by the Senator from New York? I can hardly say that I have got a very clear, well-defined opinion just now as to which of them is right, and I do not choose to be forced to decide that question upon a mere temporary debate that has sprung up here.

Sir, we owe it to the character of this body to refer this matter to a committee, and let us have a report that shall give us all the facts and all the law.

Mr. STOCKTON. I move that the Senate do now adjourn.

Mr. THURMAN. No, no.

Mr. McCREERY. I should like to say something on this question, but I will not interfere with the Senator's motion.

Mr. THURMAN. Let us vote on this question.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) Does the Senator from New Jersey withdraw his motion?

Mr. STOCKTON. No, sir. It is proper for me to say that I am not making this motion entirely on my own account, or I would not insist upon it. I am making it on the part of a large number of gentlemen in the Senate who have an engagement at four o'clock; and as it is very near that time, they have asked me to make the motion now.

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

The motion was agreed to; and (at three o'clock and thirty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 3, 1874.

The House met at twelve o'clock m.

The Journal of yesterday was read and approved.

PONTON RAILWAY-BRIDGE ACROSS THE MISSISSIPPI.

Mr. SAWYER. I am instructed by the Committee on Commerce to ask consent to report now and put upon its passage the bill (H. R. No. 2538) to legalize and establish a ponton railway-bridge across the Mississippi River at Prairie du Chien.

The bill was read. It provides that the railway ponton-bridge across the Mississippi River and an island therein, communicating with the Milwaukee and Saint Paul Railway at Prairie du Chien, in the State of Wisconsin, and the Milwaukee and Saint Paul Railway at North McGregor, in the State of Iowa, be legalized and declared a lawful structure. John Lawler and the Prairie du Chien and McGregor Railway Company, their successors and assigns, are to keep up and maintain a suitable ponton-draw of not less than two hundred and fifty feet in length in the eastern channel, and one of not less than three hundred and twenty feet in length in the principal or western channel of the river. The draw is to be opened promptly, upon reasonable signal, for the passage of boats or rafts; but in no case shall unnecessary delay occur in opening the draws before or after the passage of trains; and the said parties shall maintain, at their own expense, from sunset to sunrise, throughout the year, such lights on the bridge as may be required by the Light-House Board for the security of navigation.

The second section provides that all railway companies desiring to use said ponton-bridge shall have equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof, and of all approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in case they shall not agree; and the United States shall have the right of way for postal telegraph purposes across said bridge. No higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the railroads or public highways leading to said bridge. In case of any litigation arising from any obstruction or alleged obstruction to the navigation of the river, created by the construction of said bridge under this act, the cause or question arising may be tried before the district court of the United States of any State in which any portion of said obstruction or bridge touches.

The third section reserves the right to alter or amend this act, so as to prevent or remove all material obstructions to the navigation of said river, without any liability of the Government for damages on account of the alteration or amendment of this act, or on account of the prevention or requiring the removal of any such obstructions; and if any change be made in the plan of construction of said ponton-bridge, such change shall be subject to the approval of the Secretary of War; and any change in the construction, or any alteration of said bridge, that may be directed at any time by Congress or the Secretary of War, shall be made at the cost and expense of the owners thereof.

Mr. HAWLEY, of Illinois. I would like to ask my friend from Wisconsin [Mr. SAWYER] one question. If I understand correctly the draw of this bridge is three hundred feet.

Mr. SAWYER. Three hundred and twenty.

Mr. HAWLEY, of Illinois. Is it a pivot-draw?

Mr. SAWYER. No, sir; the draw is really four hundred feet; it leaves a clear pathway of three hundred and twenty feet. The committee has taken great pains to protect the interests of navigation in this matter.

Mr. HAWLEY, of Illinois. I understand the gentleman to say that this is the report of the Committee on Commerce.

Mr. SAWYER. Yes, sir; the unanimous report.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HAWLEY, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OBSTRUCTIONS AT HELL GATE.

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

Resolved, That the Committee on Commerce be requested to investigate and report to this House the present condition of the work at Hell Gate, in the State of New York, and what legislation, if any, is necessary for the speedy completion of said work.

MARINE HOSPITAL AT PITTSBURGH, PENNSYLVANIA.

Mr. WELLS, by unanimous consent, reported from the Committee on Public Buildings and Grounds a bill (H. R. No. 2737) to provide for the sale of the present United States marine hospital and site, and the purchase of a new site and the erection thereon of a new hospital, in the city of Pittsburgh, Pennsylvania; which was read a first and second time, ordered to be printed, and recommitted, not to be brought back on a motion to reconsider.

IMPROVEMENT OF WOLF RIVER, WISCONSIN.

Mr. AVERILL. By direction of the Committee on Indian Affairs I ask unanimous consent to report for passage now a bill giving the assent of Congress for the improvement of the Wolf River across the Menomonee Indian reservation, in the State of Wisconsin.

Mr. RANDALL. I call for the regular order.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] objects, and demands the regular order.

Mr. BUTLER, of Massachusetts. I hope the gentleman from Pennsylvania will allow me to introduce a resolution to get some papers; it will take but a moment.

Mr. RANDALL. I do not withdraw the demand; therefore the resolution of the gentleman from Massachusetts need not be read.

ALASKA FUR TRADE.

The SPEAKER. The House resumes the consideration of the bill which comes over as unfinished business from yesterday morning, the bill (H. R. No. 2667) to enable the Secretary of the Treasury to gather authentic information as to the condition and importance of the fur trade in the Territory of Alaska. The pending question is on the amendment offered yesterday by the gentleman from Indiana, [Mr. COBURN.]

Mr. CONGER. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof Mr. COBURN's amendment was adopted.

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

Mr. WILLARD, of Vermont. Mr. Speaker, I desire to say a word on this bill before it is passed.

Mr. CONGER. I do not yield for that purpose.

Mr. WILLARD, of Vermont. I wish to say a few words on this bill, by consent of the House. Has the previous question been called on the passage of the bill?

The SPEAKER. The previous question was called on the engrossment and third reading of the bill. The question now is, Shall the bill pass? If the gentleman from Michigan declines to yield, he must then demand the previous question on the passage of the bill.

Mr. CONGER. I do so.

The House divided; and there were ayes—54, noes 25; no quorum voting.

Mr. WILLARD, of Vermont. I do not wish to make any personal reply to the remarks of the gentleman from Michigan.

Mr. CONGER. If the gentleman merely wishes to explain his position, I have no objection.

Mr. WILLARD, of Vermont. I wish merely to explain some reasons which influenced me yesterday in the course I took.

Mr. YOUNG, of Georgia. Is this in order?

The SPEAKER. The question is, Shall the bill pass? Of course, if the previous question is not seconded it is open for debate. The gentleman from Michigan, who has charge of the bill, has called the previous question; but no quorum voting, it was thought better to allow the gentleman from Vermont to proceed with his statement. The Chair thinks it would be the better course, and save time of the House.

Mr. RANDALL. And the Chair is right.

Mr. CONGER. I should myself have no objection to the gentleman from Vermont going on. But this has occupied some time already, and gentlemen around me insist we shall go on with the vote.

The SPEAKER. No quorum having voted, the Chair will order tellers; and appoints Mr. CONGER and Mr. HOLMAN.

Mr. HOLMAN. If the previous question is not sustained will not this bill go over?

Mr. CONGER. I understand no further count is asked.

Mr. HOLMAN. Yes; I demand further count.

I wish to ask, Mr. Speaker, whether this being private-bill day, if the previous question is not seconded this bill does not go over?

The SPEAKER. It came over as unfinished business.

Mr. HOLMAN. If the previous question is not seconded does it not go over to-day?

The SPEAKER. It does. Does the gentleman demand further count?

Mr. HOLMAN. I do.

The House again divided; and the tellers reported—ayes 126, noes 28.

So the previous question was seconded.

The main question was then ordered.

The question recurred on the passage of the bill.

The House divided; and there were—ayes 97, noes 24; no quorum voting.

Mr. HOLMAN. I insist on a quorum. I am opposed to the creation of any new office without a quorum of the House being present.

The SPEAKER. The Chair will appoint the same tellers.

The House again divided; and the tellers reported that there were—ayes 121, noes 27.

So the bill was passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Chair thinks he answered the gentleman from

Indiana erroneously on the point of order. He did not at the time bear in mind that this bill was reported from the Committee on Commerce under the leave granted by the House to report at any time; and the rule expressly says that the right to report at any time implies the right to consider at any time. The bill was in a different condition from a bill ordinarily coming by regular report before the House,

MRS. JAMES K. POLK.

Mr. BUTLER, of Massachusetts. I ask unanimous consent to offer the following resolution:

Resolved, That the southern claims commission do send to the Speaker of the House the papers and proofs in the case of Mrs. James K. Polk, widow of the late President of the United States.

Mr. LAWRENCE. There is no southern claims commission; that is a misnomer.

Mr. RANDALL. I hope there will be no objection. There is something in the way of respect due to the widow of an ex-President of the United States.

Mr. LAWRENCE. Is the claim allowed or disallowed?

Mr. BUTLER, of Massachusetts. Neither; it has not been considered.

Mr. LAWRENCE. What is the object of the resolution?

Mr. BUTLER, of Massachusetts. It is to bring the case here and refer it to your committee.

Mr. LAWRENCE. Is it not within the jurisdiction of the commissioners of claims? If it is not, then I do not object. The designation in the bill should be commissioners of claims, and not southern claims commission.

Mr. BUTLER, of Massachusetts. I make that correction.

The resolution, as modified, was adopted.

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

The latter motion was agreed to.

PACIFIC MAIL STEAMSHIP SUBSIDY.

Mr. MILLIKEN. I ask unanimous consent to submit for present consideration the preamble and resolution which I send to the desk.

The Clerk read as follows:

Whereas the following preamble and resolution were adopted by the Forty-second Congress, to wit:

"Whereas in the testimony taken before the Ways and Means Committee of this House, in reference to certain matters committed to said committee for investigation, it was sworn by Lagrange Lockwood, of New York City, that a large sum of money was used to secure the passage through Congress of an increased appropriation to the Pacific Mail Steamship Company, in the nature of a subsidy for the transportation of mails, and for other purposes: Therefore,

"Be it resolved, That said Committee on Ways and Means are hereby authorized and directed to make full inquiry into the truth or falsity of said sworn statement, and to this end the said committee is hereby authorized and directed to send for persons and papers, and generally to exercise such powers and discretion as will be necessary thereto."

And whereas subsequently thereto said Forty-second Congress did further resolve as follows, to wit:

"Resolved, That the testimony taken by the Committee on Ways and Means under the order of the House in regard to the alleged use of money to procure the passage of the subsidy for the Pacific Mail Steamship Company be deposited with the Clerk of the House, to be laid by him before the next Congress for its consideration."

Therefore,

Be it further resolved, That the present Ways and Means Committee be, and they are hereby, authorized and directed to proceed at once to the full and complete investigation of the truth or falsity of said sworn statements, and make report to this House at as early a day of this session as practicable; and said committee is hereby reinvested with all the power and authority conferred by the first resolution above.

Mr. DAWES. I should like to hear the first portion of the preamble again read.

The first portion of the preamble was again read.

Mr. BUTLER, of Massachusetts. I object to the present consideration of the resolution, but not to its reference to the Committee on Ways and Means.

The SPEAKER. Objection is made.

Mr. RANDALL. Who objects?

The SPEAKER. The gentleman from Massachusetts, [Mr. BUTLER.]

Mr. RANDALL. Then I move to lay aside the preamble and pass the resolution. Let us see if any one objects to the resolution.

Mr. G. F. HOAR. I wish to inquire if the resolution does not direct the Committee on Ways and Means to lay aside for this purpose other business on which they are now engaged?

Mr. RANDALL. It does not. It directs the committee to report to this House at as early a day as practicable.

Mr. G. F. HOAR. Then I do not object.

Mr. DAWES. I do not object to the resolution; but I wish to state to the House that the investigation before the committee of the last Congress was placed by the committee in the hands of those gentlemen upon the committee who moved the investigation. They were instructed by the committee and clothed with power by the House to proceed in that investigation just as far as they pleased; and although it was committed to the committee in the late hours of the session, yet they proceeded as far as they chose, and reported back themselves to the committee that they did not desire to proceed any further. The testimony that was taken by them was reported back to the House as is recited there, and, under seal, recommitted to the committee this session. The committee have been disposed the moment they

could get through with the business that is pressing upon them to open that testimony, and if in their opinion it required them to proceed further, they were ready to proceed.

Mr. RANDALL. I have no doubt of that.

Mr. DAWES. This statement is due to the last committee as well as to the present committee.

Mr. RANDALL. I have no doubt that the Committee on Ways and Means are quite ready to proceed to the investigation of corruption and expose it; but this is a general reminder to them.

Mr. DAWES. I think the resolution should be referred to the committee.

The SPEAKER. It is not before the House unless it is referred to the Committee on Ways and Means.

Mr. RANDALL. There has been debate.

The SPEAKER. The gentleman from Massachusetts [Mr. BUTLER] objected immediately and suggested that the resolution be referred to the Committee on Ways and Means.

Mr. DAWES. I trust it will be so referred.

Mr. BUTLER, of Massachusetts. I have no objection to its being referred.

Mr. RANDALL. I want to take the committee out of the position which the chairman has described. I want them to be instructed or advised by the House.

Mr. YOUNG, of Georgia. I demand the regular order.

The SPEAKER. If there be no objection the resolution will be referred to the Committee on Ways and Means.

There was no objection, and the resolution was so referred.

Mr. DAWES moved to reconsider the vote by which the resolution was referred to the Committee on Ways and Means; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HAWLEY, of Illinois. I demand the regular order.

ORDER OF BUSINESS.

The SPEAKER. The regular order is demanded; and this being Friday, the committees will be called for reports of a private nature. The call rests with the Committee on Military Affairs. The morning hour begins at twenty-five minutes before one o'clock.

N. J. BARDIN.

Mr. MACDOUGALL, from the Committee on Military Affairs, reported back adversely the petition of N. J. Bardin, widow of J. T. Bardin, late a private of Company M, Eighth Tennessee Volunteers, asking a pension; which was laid on the table.

OLIVER LUMPHREY.

Mr. YOUNG, of Georgia, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 2067) to restore Oliver Lumphrey, late a second lieutenant Forty-ninth United States Infantry Veteran Reserve Corps, to his former rank in the Army of the United States; and the same was laid on the table, and the accompanying report ordered to be printed.

Mr. YOUNG, of Georgia, moved to reconsider the vote by which the bill was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RANK AND STATUS OF ARMY OFFICERS.

Mr. YOUNG, of Georgia, also, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 590) relative to the rank and status of certain officers in the United States Army; and the same was laid on the table, and the accompanying report ordered to be printed.

KERRY SULLIVAN.

Mr. YOUNG, of Georgia, also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 491) for the relief of Kerry Sullivan, of Company G, Fourteenth Regiment New Hampshire Volunteers; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

H. P. INGRAM AND JOHN K. ASKINS.

Mr. YOUNG, of Georgia, also, from the same committee, reported a bill (H. R. No. 2788) for the relief of H. P. Ingram and John K. Askins, of the Sixty-second Illinois Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

The SPEAKER. The Chair will state for the benefit of all members having private bills to report which are to go on the Private Calendar, that they should always be accompanied by written reports; for it is in order to have the report read when debate is not in order on objection days.

Mr. RANDALL. Is not this objection day?

The SPEAKER. It is. All reports accompanying bills are ordered to be printed, and adverse reports are always printed.

JOHN S. DICKSON.

Mr. COBURN, from the same committee, reported back, with amendments, and with the recommendation that it do pass, the bill (H. R. No. 2789) for the relief of John S. Dickson, late captain of paroled prisoners; which was referred to the Committee of the Whole on the

Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. THORNBURGH, from the same committee, reported adversely upon the petition of P. G. Hopkins, for relief, and the same was laid upon the table, and the report ordered to be printed.

Mr. DONNAN, from the same committee, reported adversely upon the petition of surviving officers, soldiers, and marines of the war against Mexico, residing in the State of Oregon and the Territory of Washington, asking for recognition of their services, and the same was laid upon the table, and the report ordered to be printed.

JAMES H. DAVIDSON.

Mr. DONNAN also, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 1327) for the relief of James H. Davidson, late colonel of the One hundred and twenty-second United States Colored Troops; which was laid upon the table, and the report ordered to be printed.

DONATION OF CANNON.

Mr. DONNAN also, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 2363) authorizing the Secretary of War to deliver condemned ordnance to Post No. 36 of the Grand Army of the Republic, at Trumansburgh, New York; which was laid upon the table, and the report ordered to be printed.

MILITARY TELEGRAPH OPERATORS.

Mr. DONNAN also, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 840) to include military telegraph operators within the provisions of the act approved April 4, 1872, to enable honorably discharged soldiers, &c., to acquire homesteads on the public lands; which was laid upon the table, and the report ordered to be printed.

GEORGE S. GUSTIN.

Mr. DONNAN also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 1322) for the relief of George S. Gustin, late private Company D, Seventy-fourth Regiment Illinois Volunteers; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

UNION PACIFIC RAILROAD COMPANY.

Mr. FRYE. I am instructed by the Judiciary Committee to report as a substitute for a bill referred to them a bill to enable the Central Branch of the Union Pacific Railroad Company to submit its claims against the United States under existing law to the decision of the Supreme Court.

Mr. HOLMAN. I ask that the bill be read.

Mr. SPEER. Is that a private bill?

The SPEAKER. It is not a private bill.

Mr. BUTLER, of Massachusetts. It is only to pay a corporation a claim.

The SPEAKER. The Chair thinks that all bills touching land grants to railroads have always been held to be public bills. The bill will have to come in on the regular call of the committee.

PRIVATE LAND CLAIMS IN NEW MEXICO.

Mr. PACKARD, from the Committee on Private Land Claims, reported back a letter from the Secretary of the Interior, transmitting, in compliance with the act of July, 1854, three reports of the surveyor-general of the Territory of New Mexico on private land claims in said Territory; which was recommitted to the committee, and ordered to be printed.

LAND-ENTRIES IN MISSOURI.

Mr. BUCKNER, from the Committee on Private Land Claims, reported back, with the recommendation that it do not pass, the bill (H. R. No. 1848) to confirm certain entries of lands therein named in the State of Missouri; which was laid upon the table, and the report ordered to be printed.

CAPTAIN JOHN C. BEAUMONT.

Mr. SCOFIELD, from the Committee on Naval Affairs, reported back, with the recommendation that it do pass, the bill (H. R. No. 1063) to restore Captain John C. Beaumont, of the United States Navy, to his original position on the Navy Register.

The bill was read. It authorizes the President of the United States to restore Captain John C. Beaumont, of the United States Navy, now on the active list, to his original position on the Navy Register next above Captain Charles H. B. Caldwell.

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

Mr. SCOFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EDWARD O'MEAGHER CONDON.

Mr. BANNING, from the Committee on Foreign Affairs, reported a joint resolution (H. R. No. 81) in relation to Edward O'Meagher Condon; which was read a first and second time.

The joint resolution requests the President of the United States to intercede with Her Majesty the Queen of Great Britain and Ireland for the purpose of securing the speedy release of Edward O'Meagher Condon, of Cincinnati, Ohio, who was convicted on a charge of murder in Manchester, England, and is now confined in prison.

Mr. RANDALL. I do not care for the reading of the report, but I ask that it be inserted in the CONGRESSIONAL RECORD.

The SPEAKER. The Chair hears no objection to that.

The report was as follows:

The Committee on Foreign Affairs, to whom was referred the following petition of Governor Edward F. Noyes, Right Rev. J. B. Purcell, archbishop of Cincinnati, and other citizens of Ohio, with the letters, statements, and testimonials accompanying—

STATEMENT.

The case of Edward O'Meagher Condon, now confined in Portland convict prison, England, convicted for complicity in the killing of a policeman in Manchester.

Edward O'Meagher Condon, a citizen of the United States, late a resident of Cincinnati, Ohio, was sent over to Ireland from Cincinnati in the spring of 1867 to attend to some property left to his father by an uncle. He was instructed to call at Manchester on his return to see two relatives residing there. While in Manchester he was arrested for complicity in the killing of the aforesaid policeman, under the following circumstances:

Two suspected Fenians, named Kelley and Deacy, were being sent to jail in a prison van with other prisoners. The van was stopped about half-way between the court-house and jail by a party of forty men, who demanded the release of the two suspected Fenians. They ordered the policeman inside the van to open the doors. He had the keys, but refused to comply. The party then proceeded to break open the van with stones, &c., but failing, one of them fired a pistol into the key-hole to burst the lock. The bullet accomplished the object, and shot the policeman inside. There was no intention to injure the man. It might as well be one of the prisoners who would get hurt; but he was in the course of the bullet, and got killed.

Condon was arrested the same evening three miles away from the place of the accident. The affair created the wildest excitement and great alarm throughout England, particularly in Manchester; and in the midst of this popular panic a special commission was appointed to convict the prisoners. They were tried in batches of five, and Condon, an American, was included in the first batch. They were all convicted of murder in the first degree, and sentenced to be hanged. Twenty-five witnesses swore against one man, fifteen against two more, ten against the fourth, and five against Condon. The person who had ten witnesses against him was liberated on the application of the reporters, who declared that he did not have a fair trial. Five of the witnesses who had him convicted were those who swore against Condon. Three of those witnesses were prostitutes, confined in the van at the time of the riot, one a detective, and a fifth a by-stander.

The evidence of this last witness was that he recognized Condon by seeing him hit by a stone, which cut his head, and he knew him by the wound. The policeman who arrested Condon swore that he inflicted the wound on Condon's head at the time of the arrest, and a surgeon swore that the wound was not inflicted by a stone.

In the preliminary investigation not one of the witnesses identified Condon as present at the breaking of the van until the detective, who afterward swore against him, took the three prostitutes and pointed Condon out to them through a window. After this they swore that he was one of the rioters. Yet upon such evident jury he was convicted.

Immediately after his conviction he wrote to Mr. Low, American consul at Manchester, who directed him to write a statement of his case to him, and he would send it to Minister Adams, who immediately applied for and got a respite by directions sent by telegraph by Mr. Seward.

From the statement of Daniel Redden, just published, who was confined for the same cause, it is greatly feared that Condon cannot long survive such terrible cruelty. He is accused of murdering a man he never saw. A petition signed by all the members of the city council of Cincinnati and indorsed by President Grant had no effect. A kind letter from Chief Justice Chase, in which he said, "As three had been put to death for the murder of one, surely justice ought to be satisfied and mercy take place in Condon's case," also failed. The chivalrous General Sherman requested his release as a special favor to himself for the many times he was instrumental in getting Englishmen out of trouble in this country. Home Secretary Bruce has all those letters, together with one from Judge Fitzgerald, of Dublin, in which he told the home secretary that, after an examination of Condon's trial, he would not convict him on such evidence.

The case of Condon is peculiar. Ten witnesses convicted the man who was set free, and only five of the same witnesses appeared against him, yet he is still in prison.

To the Congress of the United States:

Your petitioners, residents of the city of Cincinnati, Ohio, respectfully, but earnestly, ask that you will, by proper resolution or otherwise, interpose in behalf of Edward O'Meagher Condon, a citizen of this State and city, now in confinement in the Portland convict establishment, in England, for the alleged murder of a policeman in Manchester.

Your petitioners state that young Condon was, in 1867, a resident of this city, and was a good, industrious, and honest young man, respected by all who knew him; that in that year he was sent over to Ireland from Cincinnati to attend to some property left by his father, Thomas Condon, of this city, and was also instructed on his return to call on two relatives living in Manchester, England; that while near said Manchester he was arrested for alleged complicity in the murder of a policeman of Manchester; that he was hurriedly tried, and, as we fully believe, by false testimony of perjured witnesses, condemned to death; that thereafter, upon representations made by Mr. Adams, the American minister to the British government, his sentence was commuted, or a reprieve granted; that he has since then, now more than five years, been imprisoned in England, and still lies there in jail; and we state that he had ever been, while in the United States, a young man of exemplary character.

That his long confinement has worn upon his health, and must ultimately, added to the keen sense of the injustice of his condemnation, kill him, unless he is released. That he was the main hope and stay of his parents, Thomas Condon and wife, who are old, and that his sad condition has brought untold sorrow and distress upon his family. That his release is demanded by Justice and mercy both. That his trial was hasty and imperfect, and he was made a victim to falsehood and excitement.

That we have no doubt if the British government would authorize a new trial in his case it would be clearly shown that he is innocent of the great crime imputed to him. And we, his parents, neighbors, and friends, earnestly ask your honorable

bodies to take such action as will be consistent with your honor and that of our country, and also as will afford the English government the opportunity to show to American citizens that justice which no government is more constant and energetic in demanding for her own subjects than she is.

THOMAS CONDON,
His father.
ELLEN CONDON,
His mother.

I recommend and request that a new trial be granted if possible.

EDWARD F. NOYES,
Governor of Ohio.
J. B. PURCELL,
Archbishop of Cincinnati.
M. H. TILDEN,
Judge of Superior Court.
W. S. GROESBECK.
ALFRED YAPLE,
Judge of Superior Court of Cincinnati, State of Ohio.

I cheerfully concur in the request of Governor E. F. Noyes.

S. S. DAVIS, *Mayor.*

I am not acquainted with the facts of the case or the laws under which Condon was tried, but Mr. and Mrs. Condon are worthy people, their son is their stay, and his release would be a mercy and a blessing to them.

M. T. FORA,
Judge Hamilton Common Pleas.
CHAS. C. MURDOCK,
Judge Hamilton Common Pleas.
WM. L. AVERY,
Judge Hamilton Common Pleas.
T. A. O'CONNELL,
Judge Superior Court of Cincinnati.
J. BURNETT,
Judge Hamilton Common Pleas.
WILLIAM TILDEN,
Judge of Probate Court, Hamilton County, Ohio.
N. H. VAN VORHES,
Speaker Ohio House of Representatives.

The petition is also signed by the following members of the Ohio State senate:

Joseph F. Wright. P. W. Hardesty. W. O. Packer.
H. D. McDonnell. W. H. Holden. I. Q. Smith.
A. W. Patrick. Arome C. Wales. D. W. H. Howard.
John Schiff. J. H. R. Anon. S. Knox.
Charles Boesel. W. Morrow Beach. J. T. Updejuff.
J. S. Gardner. John G. Thompson. Wm. Nash.
Peter Murphy. John W. Morris. H. S. Gage.
L. B. Leeds. James Saylor. C. H. BABCOCK.
Speaker pro tempore House of Representatives, Ohio.

The petition is also signed by the following members of the Ohio house of representatives:

John Little, W. C. Cooper, T. Miltenberger, J. M. Haag, Wm. Bell, jr., Milt. McCoy, O. Chase, B. C. Blackburn, H. M. Chapman, J. M. Cochran, John M. Wilson, J. R. Conrad, Charles P. Taft, W. C. McFarland, S. B. Berry, John Seitz, H. Weible, William Adair, S. N. Titus, William G. Ways, R. C. Thompson, H. W. Curtiss, J. Scott, Isaiah Pillars, W. P. Howland, S. R. Mott, Thomas II. Armstrong, John C. Waldron, Ira Ferguson, Henry Chapman, Thomas D. Stiles, Levi Colly, Eugene Powell, George Nokes, William L. Ross, Clark White, Joseph Bradbury, James E. Chase, A. Armstrong, H. F. Brashears, H. Beckstesser, George Nokes, A. R. Van Cleaf, S. E. Blakeslee, Lewis Green, W. Stillwell, J. M. Brunswick, John F. Fallis, John Shank, Charles Oesterlein, David Cunningham, George W. Wilson, C. F. Kirkland, Albert Munson, William Milligan, Henry Schoenfeldt, A. H. Brown, Elias Ellis, Benjamin F. Sprigs, N. E. Leland, Isaac Austill, J. R. Conrad, J. J. Moore, M. McCoy, J. Count, C. B. Smith, Samuel C. Bowman, Henry Weible, Thomas Peckinpany, John Kisor, Guido Mare, T. A. Corcoran, H. C. Whitman.

7 MERRION SQUARE, EAST DUBLIN,
February 14, 1874.

Sir: I have received your letter of the 22d, and in reply take leave to assure you that I did not write to Mr. Secretary Bruce. I did not receive from him the reply which you describe. My position as a judge prohibits me from interfering in any case not tried before me, and even then only when called on by Government for a report. Mr. Kenslin Digby, member of Parliament for the Queen's County, is a connection of mine, and a valued friend, whose opinion I very much respect. He was deeply interested in your son's case, and he has frequently conversed with me about him and his trial. I learned from Mr. Digby that he has studied the case carefully, and had come to the conclusion that your son, Edward O'Meagher Condon, or Shore, had taken no part in the homicide of the constable of Manchester, and was implicated by taking part in the riot, and by stone-throwing only; that he was unarmed, and that there was no proof against him of any previous design. I had no knowledge whatever of the case myself. Mr. Digby felt very much for one so young and prepossessing as your son, but felt more for you and the family. I am aware of the great exertion he has made to procure your son's release, and I would have aided him if I had the power to do so.

I have no doubt that Mr. Digby will not be deterred by previous failures from continuing his efforts, and I most sincerely hope that zeal and efforts may soon prove successful.

I can only express my feelings for you and your afflictions, and remain your faithful,

J. D. FITZGERALD.

Mr. THOMAS CONDON.

CINCINNATI, *January 28, 1874.*

Sir: When in England I took special pains to get the facts in relation to the case of Condon, *alias* Shore, convicted of murder in Manchester, with three others. The others were executed. On account of well-grounded doubts of the participation of Shore in the murder, his sentence was commuted. Mr. Moran, our secretary of legation at the court of Saint James, was very much interested in the case, and after a thorough investigation, came to the conclusion that Shore, *alias* Condon, was entirely innocent. I conversed with Jacob Bright, M. P., Mr. Potter, Sir Wilford Lawson, and other members of Parliament, who expressed much interest in behalf of the accused. Young Condon is a worthy son of most worthy parents in your district, and every effort possible should be made to secure his liberty from confinement and his return to his family.

Mr. Moran can furnish all the facts in the case if written to.

I send you copy of petition, &c., and a letter from one of the most eminent judges of Ireland, to the father. The latter you will please preserve.

Yours, &c.,

Hon. H. B. BANNING, M. C.

Have had the same under advisement, and after careful investigation of the cause and facts connected with the conviction of Edward O'Meagher Condon, make the following report to the House of Representatives:

Edward O'Meagher Condon is of Irish parentage; a citizen of Cincinnati, Ohio, of respectable family and associations, and has always borne a good character.

In the year 1867 he was on a visit to some of his relatives in Manchester, England. While there he became involved in a mob which had collected for the purpose of rescuing some Fenian prisoners.

From the evidence brought out in a trial subsequent to the affray, it seems that the prisoners were being conveyed in a van through the streets, the door of which was not only locked but guarded by a policeman on the inside. A shot was fired for the purpose, as asserted, of forcing the door. This shot unfortunately killed the policeman.

For this offense Condon and four others were convicted of murder, and sentenced to be hanged. Three of these were executed, one was discharged, while Condon's sentence was commuted to imprisonment for life at hard labor.

This occurred during the intense excitement of the Fenian struggle, after invasion of Canada from the United States, and the battle of Ridgway.

It would be seen, therefore, that a trial under the circumstances might be influenced by the feeling pervading the community where the offense occurred.

This would be intensified, of course, by the fact that one of the defendants was an American citizen, and held responsible as prime mover in the original trouble.

Without questioning the justice of the verdict, we are of the opinion that executive clemency could go further than in a mere commutation of the sentence to hard labor for life.

It is not claimed that the unfortunate Condon fired the shot which resulted so fatally, and the very cause that led to the swift punishment pleads with irresistible force in his favor.

In the excitement of the moment he possibly encouraged the violence meant to break a lock, which resulted in a death without having the malice prepense necessary to make it murder. On this ground his sentence was commuted, as we have stated, and on this ground we claim he might well be pardoned.

We are well aware of the fact that Condon's offense was aggravated in the eye of the law by his being an American citizen. At the same time we ought to remember that Condon's Irish descent and Irish connections prompted the feeling that caused him to interfere, and under all circumstances we believe the Government of the United States would be justified, if, indeed, it is not a duty, to use every legitimate influence to procure his release. In this we are strengthened by the influential character of our American citizens praying for such release, to say nothing of the letter in Condon's behalf, written by Judge Fitzgerald, of Ireland, and a report of an investigation made by Hon. S. F. Cary, member of Congress, while in Manchester, immediately after this lamentable occurrence.

In view, therefore, of the prevailing interest felt in the prisoner's behalf throughout the country, and in behalf of his innocence of the offense with which he is charged, or, if guilty of an indiscretion in his acts, that he has already endured sufficient punishment, your committee deem it proper that action should be had by Congress tending to secure intercession on the part of the President for his release, and hence report the accompanying joint resolution, and respectfully ask its passage.

Mr. BANNING. I ask that the joint resolution be passed.

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

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

The latter motion was agreed to.

PENSIONS FOR SEMINOLE WAR OF 1818.

Mr. SHOEMAKER, of Pennsylvania. I am instructed by the Committee on Revolutionary Pensions and War of 1812 to report a bill granting pensions to soldiers and widows of soldiers of the Seminole war of 1818.

Mr. RANDALL. Is not that a public bill?

The SPEAKER. All bills affecting a class of pensioners are public bills. The bill will be read; after which objection will be asked to its being reported to-day.

Mr. RANDALL. In order to save time I will object now.

The SPEAKER. The bill will be returned to the committee.

REPORTS FROM THE COMMITTEE ON INVALID PENSIONS.

Mr. RUSK, from the Committee on Invalid Pensions, reported back, without amendment, the following Senate bills; which were referred to the Committee of the Whole on the Private Calendar, and the reports accompanying the same ordered to be printed:

A bill (S. No. 518) granting a pension to Benjamin C. Skinner;

A bill (S. No. 449) granting a pension to Mrs. Amy A. Hough;

A bill (S. No. 217) granting a pension to Julia A. Smith; and

A bill (S. No. 387) granting a pension to Captain Benjamin Farley, of Company C, Fifth Indiana Cavalry.

Mr. WALLACE, from the same committee, reported back, without amendment, the following bill; which was referred to the Committee of the Whole on the Private Calendar:

A bill (S. No. 42) granting a pension to Caleb A. Lamb, late a musician in Company E, Forty-sixth Regiment Indiana Volunteers.

Mr. BARRY, from the same committee, reported a bill (H. R. No. 2790) granting a pension to Nancy Abbott; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. McJUNKIN, from the same committee, reported a bill (H. R. No. 2791) granting a pension to Franklin Stoner; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back, without amendment, the following bills; which were referred to the Committee of the Whole on the Private Calendar, and the report accompanying the same ordered to be printed:

A bill (H. R. No. 1616) granting a pension to John G. Parr, of Kittanning, Pennsylvania; and

A bill (H. R. No. 2118) for the relief of Elizabeth Clarke.

Mr. MARTIN, from the same committee, reported back, without amendment, a bill (S. No. 316) granting a pension to Elizabeth F. Thompson; which was referred to the Committee of the Whole on the Private Calendar.

He also, from the same committee, reported a bill (H. R. No. 2792) granting a pension to Llewellyn Bell; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the report accompanying the same, ordered to be printed.

He also, from the same committee, reported a bill (H. R. 2793) to correct the time for commencing to draw a pension.

Mr. RANDALL. That is a general bill, I believe.

Mr. SPEER. Let it go to the Committee of the Whole; do not raise the point upon it.

Mr. RANDALL. I insist upon my point of order.

The SPEAKER. The point of order is well taken; the bill will be returned to the committee.

Mr. MARTIN. It is not a public bill.

The SPEAKER. Anything which makes regulations in regard to a class of pensions or a class of pensioners on the rolls is a public bill.

Mr. MARTIN. It does not regulate a class of pensions, but is simply to correct the date of commencement of a pension for one person.

The SPEAKER. That is a private bill; but the Chair will suggest that it is generally better to have the name of the individual incorporated in the title; that will leave no doubt, and it makes a much better reference in the index.

The bill (H. R. No. 2792) was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

Mr. YOUNG, of Kentucky, from the same committee, reported back, without amendment, the following bills; which were referred to the Committee of the Whole on the Private Calendar, and the reports accompanying the same ordered to be printed:

A bill (S. No. 361) granting a pension to Sciotha Brashears, late of the Seventeenth Regiment Kentucky Cavalry; and

A bill (H. R. No. 599) for the relief of Ade H. McDonald, of Nashville, Tennessee.

Mr. YOUNG, of Kentucky, also, from the same committee, reported adversely upon the following bill; which was laid upon the table:

A bill (H. R. No. 1713) for the relief of Bigsby E. Dodson, of Nashville, Tennessee.

Mr. CRITTENDEN, from the same committee, reported back, without amendment, the following bill; which was referred to the Committee of the Whole on the Private Calendar:

A bill (S. No. 566) granting a pension to Lucinda Schrum, widow of Jacob R. Schrum, late of Company A, Forty-ninth Regiment Missouri Volunteers.

Mr. O'BRIEN. I am instructed by the Committee on Invalid Pensions to report back without amendment, and ask its immediate consideration, House bill No. 2716, granting a pension to Mrs. Mary C. Reno.

The SPEAKER. The bill will be read, after which objections will be in order to its present consideration.

The bill, which was read, directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary C. Reno, widow of Jesse L. Reno, late major-general in the United States Army, and pay her a pension at the rate of fifty dollars a month from and after the passage of this act.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'BRIEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. THOMAS, of Virginia, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. No. 548) granting a pension to Christiana Bailey; which was referred to the Committee of the Whole on the Private Calendar.

He also, from the same committee, reported a bill (H. R. No. 2794) granting a pension to Elizabeth Wolf, widow of John F. Wolfe, late of Company D, Third Regiment Maryland Volunteers; which was read a first and second time, and referred to the Committee of the Whole on the Private Calendar.

MRS. MERCY ANN HALL.

Mr. MONROE, from the Committee on Education and Labor, reported back the memorial of Mrs. Mercy Ann Hall, widow of Captain Charles F. Hall, late commander of the Polaris expedition, praying for relief, and moved that the said committee be discharged from the further consideration of the memorial, and that the same be referred to the Committee on Naval Affairs.

The motion was agreed to.

ADDITIONAL COMMITTEE CLERK.

Mr. HOSKINS. The Committee on Accounts have directed me to report back the resolution which I send to the desk, without any special recommendation. If the House desires the investigation cov-

ered by the resolution to be made, the Committee on Accounts is decidedly of the opinion that these committees need a clerk. If the investigation is not to proceed, no clerk, of course, is necessary. We leave the question entirely in the hands of the House.

The Clerk read the resolution, as follows:

Resolved, That the Committee on Expenditures in the Post-Office Department, the Committee on Expenditures in the War Department, the Committee on Expenditures in the State Department, and the Committee on Expenditures on Public Buildings have leave jointly to employ a clerk during the present session of Congress at the usual rate of compensation.

Mr. RANDALL. This resolution proposes to create a new officer who will draw money from the Treasury.

The SPEAKER. The gentleman from Pennsylvania makes the point of order that this resolution involves an expenditure of money.

Mr. BUTLER, of Massachusetts. Is this a private bill?

The SPEAKER. And the gentleman from Massachusetts [Mr. BUTLER] makes the point that this is not a private bill.

Mr. RANDALL. Let it be crushed out between the two.

The SPEAKER. On the point of order that it is not private in its nature, the resolution will be returned to the Committee on Accounts.

RELIEF OF BUILDERS OF STEAMERS.

Mr. KELLEY, from the Committee on Ways and Means, reported a bill (H. R. No. 2795) for the relief of the builders of steamers La Portena, Edward Everett, F. W. Lincoln, Azalia, and N. P. Banks; which was read a first and second time, and referred to the Committee of the Whole on the Private Calendar.

REPORTS FROM THE COMMITTEE ON CLAIMS.

Mr. HAWLEY, of Illinois, from the Committee on Claims, reported adversely upon the memorial of J. N. Carpenter, asking compensation for loss of slaves; which was laid on the table, and the report ordered to be printed.

He also, from the same committee, reported a bill (H. R. No. 2796) for the relief of Raphael Madrazo; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and the report ordered to be printed.

Mr. SHOEMAKER, of Pennsylvania, from the same committee, reported back adversely the bill (H. R. No. 1207) for the relief of James W. Bowen, late provost-marshall of the tenth congressional district of Pennsylvania; which was laid on the table, and the report ordered to be printed.

Mr. EDEN, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 1370) to authorize the Secretary of the Interior to settle and pay the accounts of William Pelham, late surveyor-general of New Mexico; which was referred to the Committee of the Whole on the Private Calendar.

He also, from the same committee, reported adversely upon the following; which were laid on the table, and the reports ordered to be printed:

Memorial of F. A. Stone for compensation for services under the Commissioner of Public Buildings;

Claim of William E. Bond, late collector of internal revenue of the first North Carolina district;

A bill (H. R. No. 1642) for the relief of Jacob P. Clark, late register of the United States land-office at Olympia, Washington Territory; and

A bill (H. R. No. 289) for the relief of the heirs of Henry Fullenwider, deceased.

PRINTING OF ADVERSE REPORTS.

Mr. RANDALL. I wish to inquire whether the printing of an adverse report is within the discretion of the House?

The SPEAKER. There is no rule upon the subject; but it has been the uniform usage to print such reports; so as to put the opinion of the House on record.

REPORTS FROM THE COMMITTEE ON WAR CLAIMS.

Mr. LAWRENCE, from the Committee on War Claims, reported a bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of March 3, 1871; which was read a first and second time, and referred to the Committee of the Whole on the Private Calendar.

He also, from the same committee, reported adversely upon the memorial of J. and T. Green; of Jackson, Mississippi, asking indemnity for property destroyed by the United States Army; which was laid on the table, and the report ordered to be printed.

Mr. HAZELTON, of Wisconsin, from the same committee, reported back with amendment, the bill (H. R. No. 488) for the relief of B. C. Bailey; which was referred to the Committee of the Whole on the Private Calendar.

Mr. HOLMAN, from the same committee, reported a bill (H. R. No. 2798) for the relief of John J. Hayden; which was read a first and second time, and referred to the Committee of the Whole on the Private Calendar.

Mr. LAWRENCE, from the same committee, reported back papers in the case of Henry S. Zumro, moved that said committee be discharged from the further consideration of the same, and that they be referred to the Committee on Claims.

The motion was agreed to.

RECONSIDERATION OF REFERENCES.

Mr. RANDALL. As to all these bills which have been referred to

the Committee of the Whole on the Private Calendar, I move that the vote referring them be reconsidered, and that the motion to reconsider be laid on the table.

The SPEAKER. The gentleman will observe that this motion is not particularly important; for any bill of this kind, if brought back into the House upon a motion to reconsider, would be again liable to the point of order requiring its reference again to the Committee of the Whole.

Mr. RANDALL. Still my motion is a safe one.

The SPEAKER. The motion will be considered as agreed to.

ALIENS AS ENGINEERS AND PILOTS.

Mr. CONGER (when the Committee on Commerce was called) said: The Committee on Commerce have directed me to report back, with amendments, a Senate bill which is not exactly of a private nature, but for the passage of which there is great urgency. It is a bill (S. No. 580) to authorize the employment of certain aliens as engineers and pilots.

The bill was read. It provides that any alien who, in the manner provided for by law, has declared his intention to become a citizen of the United States may be licensed, as if already naturalized, to serve as an engineer or pilot on any steam-vessel subject to inspection under the provisions of an act entitled "An act to provide for the better security on board vessels propelled in whole or in part by steam, and for other purposes," approved February 28, 1871.

Mr. RANDALL. That is a public bill.

The SPEAKER. The gentleman from Michigan asks leave to report back a bill with an amendment, which will be read subject to objection.

The amendment was read, as follows:

In line 2, after "United States," insert "and who shall have been a permanent resident of the United States for at least six months immediately prior to the granting of such license."

Mr. RANDALL. I make the point of order that is a public bill and cannot be considered to-day.

Mr. FIELD. I object to it.

Mr. MERRIAM. So do I.

CHEROKEE INDIANS OF GEORGIA.

Mr. BUTLER, of Tennessee, from the Committee on Indian Affairs, reported back adversely a joint resolution (H. R. No. 37) providing for the payment of certain *per capita* allowance to the Indians of the Cherokee tribe residing in the State of Georgia; which was laid on the table.

W. A. WEBSTER.

Mr. AVERILL. I am instructed by the Committee on Indian Affairs to report a bill for the relief of W. A. Webster, and to enlarge the reservation of the Makah Indians in Washington Territory.

Mr. SPEER. That is a public bill.

The SPEAKER. The bill contains provisions which make it a public bill.

Mr. AVERILL. I wish to say, by order of the President certain territory was taken some two years ago and annexed to this reservation. By an arrangement with the Indian Department the value of the land was appraised by referees. The real purpose of the bill is to confirm the action of the President and to compensate the owner of the property.

Mr. RANDALL. If it was not a public bill the President would not have had anything to do with it.

The SPEAKER. It is a public bill, and it will be returned to the gentleman from Minnesota to be reported on the general call of committees.

MILITARY RESERVATIONS, ARIZONA.

Mr. HUNTON. I am directed by the Committee on Military Affairs to report back a bill (H. R. No. 1341) authorizing the Secretary of War to relinquish and turn over to the Interior Department parts of certain reservations in the Territory of Arizona no longer required for military purposes.

Mr. SPEER. I rise to the point of order that is a public bill.

The SPEAKER. It is a public bill, and will be returned to the gentleman from Virginia, to be reported on the general call of committees.

WILLIAM ROOD.

Mr. HUNTON, from the Committee on Military Affairs, reported back a bill (H. R. No. 1220) for the relief of William Rood, late private of the Thirty-sixth Regiment of Wisconsin Volunteers, with the recommendation that it do pass; which was referred to the Committee of the Whole on the Private Calendar.

DAVID W. STOCKSTILL.

Mr. HUNTON also, from the same committee, reported back a bill (H. R. No. 2799) for the relief of David W. Stockstill, of Sidney, Ohio, with the recommendation that it do pass; which was referred to the Committee of the Whole on the Private Calendar.

JOHN BURKE.

Mr. HUNTON also, from the same committee, reported back adversely the petition of John Burke, late first lieutenant Company F, Seventy-third Ohio Volunteers; which was laid on the table.

BENJAMIN CRAWFORD.

Mr. HARRIS, of Virginia, from the Committee on War Claims, reported a bill (H. R. No. 2800) for the relief of Benjamin Crawford; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

Mr. HAWLEY, of Illinois. I move that the House now resolve itself into the Committee of the Whole on the Private Calendar.

The motion was agreed to.

PERSONAL EXPLANATION.

The SPEAKER. Before the House goes into committee the Chair begs attention to a very small personal matter of some delicacy which he desires to submit to members. He does it with some hesitation, but thinks it better than that it should be left undone.

In the arrangement of the galleries, in the reserved galleries, from a usage which dates back to the organization of the Government, a single seat, not a large one, has been placed at the disposal of the Speaker. It is not simply a family matter, but has been used for distinguished visitors who under the rules could not be admitted to the floor, and its occupancy has been of great convenience in the way of extending such courtesy. As old members will recollect, it was formerly in the diplomatic gallery, but in the new arrangement, when a gallery was reserved for members, the Door-keeper assigned the shorter one of the front seats for the use of the Speaker. Some members have expressed dissatisfaction with it, and have not been disposed to accept it. This dissatisfaction has not been expressed to the Speaker, but to the man who has charge of the gallery. Now the Speaker does not claim this seat as a right, but as a courtesy of course it is grateful, and it is worth nothing unless extended with cordiality.

While not claiming it as a right, the Chair does not wish it to be left in dispute, and as it has belonged to the Speaker by immemorial usage, the change, if there be one, should be ordered by the House. The present occupant of the chair is perhaps as little disposed to insist on matters of this kind as any of his predecessors, and gave up voluntarily and cheerfully the use of the Speaker's parlor for the general use of members, which had hitherto been in the exclusive occupancy of the Speaker. And if there be any dissatisfaction with this arrangement in regard to the seat, he very cheerfully offers to give that up. But he wishes it to be understood distinctly whether the seat is to be at his disposal, as it has always been at the disposal of his predecessors.

Mr. RANDALL. I suggest that the custom be now made a rule, or rather that the judgment of the House be expressed in favor of the usage, because a motion to make it a rule would require to be referred.

Mr. MAYNARD. I quite concur in that view of the matter. It seems to me there ought to be some seat in the gallery, the right to the exclusive use of which should attach to the office of Speaker, not to the particular member who happens for the time to fill the Speaker's chair.

The SPEAKER. The Chair has spoken of it as belonging to the office, not to himself at all.

Mr. MAYNARD. There should be a seat which the Speaker could designate as Speaker. If the Representative from Maine chooses to use another seat for his own family or for strangers, that is a matter of his own. But there should be a seat attached to his office as Speaker, to be used in such a way as he should think proper in his official capacity.

The SPEAKER. It is much more frequently assigned by the present occupant of the chair to strangers than to any one else.

Mr. DAWES. I think whatever grumbling may have arisen has been from a misunderstanding on the part of the door-keepers.

The SPEAKER. The Chair does not bring this up with the idea that a single member of the House meant any unkindness to the Speaker; he has no idea of that kind whatever; but merely that there may be a perfect understanding about it. The relations of the present occupant of the chair with all the members of the House are personally of the kindest character.

Mr. DAWES. The statement of the Speaker as to the usage in this matter fully accords with my own recollection. I have been here ever since this Hall was occupied; and during all that time this right has been accorded by common consent to the office of Speaker. I hope the motion of the gentleman from Pennsylvania [Mr. RANDALL] will be acquiesced in by unanimous consent.

Mr. RANDALL. I would rather leave it to the discretion of the Speaker, whoever he may be, than incorporate it in the rules. I would therefore modify my motion so as to leave it in the discretion of the Chair.

Mr. McNULTA. I agree with the gentlemen who have spoken that there might be properly a seat awarded to the office of the Speaker of this House as an act of courtesy to the officer and not to the person. But I do decidedly object to any member of this House having any exclusive privilege or seat in the gallery assigned to the use of members. The reason for so objecting I think will be apparent to every member. When our families come to the gallery and ask admittance, they must be notified, so to speak, that they are second-class passengers in that boat; that there is a seat they cannot occupy; that that seat is specially reserved. I understand that the custom has heretofore been, or that the practice has been, to assign this official seat in the diplomatic gallery, where the members' fam-

lies will not come in contact with these notices, that are, to say the least, very disagreeable.

The SPEAKER. If the gentleman will allow a correction just here the Chair will make one. Prior to this session there never has been a seat reserved for members' families at all. The diplomatic gallery was open to the access of members' families, and the front seat in that gallery was given to the Speaker. When there was an arrangement made for the reservation of a gallery for members' families, of course the Speaker did not desire a seat away from the members, and the Door-keeper assigned him one in that gallery instead of in the diplomatic gallery.

Mr. McNULTA. I think members will see the impropriety of keeping one seat vacant, as this will be most of the time. I think we should all meet here on a level. Every man here is entitled to the same privileges as any other man; and whatever may be especially accorded to the Speaker in his official position should be accorded to him in such a way that there should be no affront, no discrimination as against the rest of the members. While I acquiesce in the setting apart of a seat in some other gallery, I do certainly object to its being set apart in the members' gallery. I claim to have the same rights here as every other member has.

Mr. MELLISH. Would it be in order to make a motion that the gallery set apart for members' families be abolished?

The SPEAKER. Not at the present time.

Mr. MELLISH. I think the distinction between members' families and others should not be any longer continued. It is European, and ought to be abolished for the credit of the country.

Mr. HOLMAN. I trust my friend from Pennsylvania [Mr. RANDALL] will renew his motion that this subject be referred to the Committee on Rules, or I will make that motion with a view to the adoption of a proper rule on the subject. It is very clear that there has always been—at least it has been the case for the last ten or twelve years, ever since I have been here—a seat in the gallery set apart as a matter of convenience and courtesy for the use of the Speaker of the House. It is very proper that it should be done, and on the same principle that there is a room in this part of the Capitol for the use of the Speaker and under his control. I move that the subject be referred to the Committee on Rules with instructions to report a proper rule in regard to it.

Mr. MAYNARD. I do not see that we need encumber the rules with this matter. This is a practice which has obtained here ever since we have been in this Hall. Seats have always been reserved for the Speaker, and we have seen our wives and daughters and friends repeatedly reminded by the door-keeper that such seats were reserved. Nobody took offense at it then, and perhaps we were as careful of the feelings of our friends then as we are now. It seems to me that the simple statement that the Speaker has made, that there has been a seat set apart officially for the use of the Speaker, is all that is necessary.

The SPEAKER. The Chair has not the slightest personal desire in the matter except to have it definitely settled; that is all.

Mr. McNULTA. I move, then, that there be a seat especially set aside for the Speaker in the diplomatic gallery.

The SPEAKER. That is not the question before the House at all; that is the diplomatic gallery.

Mr. McNULTA. The other is the members' gallery, and it should not be taken from them.

The SPEAKER. The Speaker is a member of the House.

Mr. McNULTA. I claim the same rights here that every other member is entitled to.

Mr. RANDALL. The seats in the diplomatic gallery are assigned to the representatives of foreign governments, and that is a courtesy between nations; but the right of the Speaker to have particular seats assigned for his use is not governed by any rule of the House; and yet it is perfectly manifest that that right should exist in the Speaker. I am therefore in favor of making firm the right of the Speaker to have such seats at his disposal.

The SPEAKER. The Chair desires no reference of this matter to the Committee on Rules, for he is a member of that committee. He will bring the matter to a conclusion at once by simply asking if this usage of the House, which has existed immemorially, is to be maintained? The Chair will now submit that question to the House.

The question was put; and it was decided in the affirmative.

Mr. McNULTA. I rise to make a parliamentary inquiry. I want to know where the evidence is that the immemorial custom of this House is that one member has higher privileges than another?

The SPEAKER. The Chair regards the question as settled; it is not before the House.

Mr. RANDALL. I think we may as well determine that the Speaker shall have some rights and privileges.

Mr. WILLIAMS, of Wisconsin. I do not like invidious distinctions, and I rise to inquire if some rule could not be established by which all the members of the House could occupy the Speaker's chair?

The SPEAKER. The House has voted to go into Committee of the Whole on the Private Calendar.

Mr. RANDALL. I would like to ask what the Chair understands to be the decision of the House?

The SPEAKER. The Chair understands that by a vote of the House of perfect unanimity, with the exception of one member, the usage of the House has been confirmed.

Mr. McNULTA. I would like to know what disposition was made of this question of the reserved seats?

The SPEAKER. The Chair understands that the usage of the House, which has been immemorial, was confirmed by a vote to which the gentleman from Illinois alone dissented.

Mr. McNULTA. I want the Chair to understand that I object; if I am the only man protesting, I propose to protest distinctly against this thing being done.

Mr. RANDALL. I ask that the gentleman shall have his protest put in writing.

Mr. McNULTA. That is done sufficiently already.

The SPEAKER. The gentleman from Illinois, Mr. McNULTA, will please take the chair in Committee of the Whole on the Private Calendar.

THE PRIVATE CALENDAR.

The House then resolved itself into Committee of the Whole, (Mr. McNulta in the chair,) and proceeded to the consideration of the bills upon the Private Calendar.

The CHAIRMAN. This is objection day, and the committee will resume the consideration of the bills on the Calendar at the point where it stopped on last objection day.

PRIVATE LAND CLAIMS.

The first business upon the Calendar was the bill (H. R. No. 719) to authorize the issue of patents to lands in cases of private land claims. The bill was read.

Mr. BUTLER, of Massachusetts. Is that a private bill?

Mr. DONNAN. Yes, sir.

Mr. BUTLER, of Massachusetts. How can it be? It proposes to regulate surveys.

Mr. DONNAN. It relates solely to private land claims.

Mr. HOLMAN. I desire to offer an amendment to that bill, and therefore I object to it.

HEIRS OF WILLIAM C. BRASHEAR.

The next bill upon the Private Calendar was the bill (H. R. No. 2198) for the relief of the heirs at law of William C. Brashear, an officer of the Texas navy.

The bill and accompanying report were read.

Mr. HOLMAN. I hope the gentleman who reported this bill will inform the committee how much it involves in the way of an appropriation.

The CHAIRMAN. That would be in the nature of debate, and this being objection day no debate is in order.

Mr. WHITTHORNE. Has not this bill been once before objected to?

The CHAIRMAN. The Chair is informed that this is the first time the bill has been reached on the Calendar.

Mr. BURLEIGH and Mr. MELLISH objected; and the bill accordingly went over.

WILLIAM B. THOMAS.

The next bill upon the Private Calendar was the bill (H. R. No. 2202) for the relief of William B. Thomas, late collector of customs at the port of Philadelphia.

The bill was read.

Mr. E. H. ROBERTS. I move that this bill be laid aside, to be reported favorably to the House.

Mr. HAWLEY, of Illinois. I object.

Mr. E. H. ROBERTS. Will the gentleman hear the report read?

Mr. HAWLEY, of Illinois. I am willing to hear the report read, but I reserve my right to object.

The CHAIRMAN. Objection being made, the bill goes over.

JOSEPH MONTANARI.

The next bill upon the Private Calendar was the bill (S. No. 311) for the relief of Joseph Montanari, and for other purposes.

The bill was read.

Mr. ORTH. I move that the bill be laid aside, to be reported to the House with a recommendation that it be referred to the Committee on Foreign Affairs.

Mr. HAWLEY, of Illinois. There is a letter from the Secretary of State upon the subject.

Mr. SPEER. Is not debate in the nature of objection to the bill?

The CHAIRMAN. It is, and the bill will go over.

P. HORNBROOK.

The next bill upon the Private Calendar was the bill (H. R. No. 2205) for the relief of P. Hornbrook.

The bill directs the accounting officers of the Treasury to allow, in the accounts of P. Hornbrook, surveyor of customs for the port of Evansville, in the State of Indiana, the sum of \$372.35, being amount of payments made to John J. Hays for salary as store-keeper, from December 1, 1870, to December 11, 1871, and vouchers furnished therefor by said P. Hornbrook, and disallowed in the settlement of his accounts for want of oath of said John J. Hays.

The report accompanying the bill was read, as follows:

The Committee on Claims, to whom was referred the petition of P. Hornbrook, respectfully report:

That it appears by letter and communication from the Commissioner of Customs that P. Hornbrook, surveyor of customs for the port of Evansville, Indiana, on December 1, 1870, appointed John J. Hays store-keeper at a salary of \$850 per annum, who entered upon his duties at that date, which appointment was on the 5th of December, 1870, approved by the Secretary of the Treasury; the said Hays did

not take the official oaths in such case required until the 11th of December, 1871, until which time he had not been apprised that any official oath was required; nor was the surveyor of the port aware that an official oath was required in the case of store-keeper. He states that in the case of the approval of his clerk and of his deputy, the Department furnished blank oaths to be administered, but that in the approval of the store-keeper's appointment no blank oath or notice of oath was given; that it appears that P. Hornbrook, surveyor, paid the said Hays for his salary and services from December 1, 1870, to December 11, 1871, at the rate of \$850, amounting to \$872.35, but for the reason that the said John J. Hays had inadvertently omitted, during said period, to take the required official oaths, the account was not allowed said surveyor; and it appearing that the services were duly rendered; that the said surveyor of the port, P. Hornbrook, paid the said Hays in good faith, and that he ought to be allowed the same in his account, the committee report herewith a bill for his relief, and recommend its passage.

No objection being made, the bill was laid aside, to be reported favorably to the House.

CREDITORS OF SIOUX INDIANS.

The next bill on the Private Calendar was the bill (H. R. No. 420) to authorize the Secretary of the Interior to discharge certain obligations of the United States to the creditors of the Upper and Lower bands of Sioux Indians.

The bill, which was read, authorizes and empowers the Secretary of the Interior to discharge all obligations of the United States to the creditors of the Upper and Lower bands of Sioux Indians, arising under the treaty of June 19, 1858, between said bands and the United States, and from the diversion by the United States of the funds and assets of said Indians in their possession and control applicable to that purpose; provided that the amount allowed and paid on said indebtedness shall in no event exceed the sum of \$70,000; and appropriates, to enable the Secretary of the Interior to carry into effect the provisions of the bill, the sum of \$70,000, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated.

Mr. LAWSON. I move that the bill be laid aside, to be reported to the House.

No objection was made.

JAMES M. TRUE.

The next bill on the Private Calendar was the bill (H. R. No. 2207) for the relief of James M. True, late colonel of the Sixty-second Illinois Volunteer Infantry.

The bill, which was read, directs that there be paid to James M. True, late colonel of the Sixty-second Illinois Volunteer Infantry, by the proper accounting officers, out of any money not otherwise appropriated, the compensation of colonel of infantry from the 20th day of February, 1862, when his recruits were taken from him by order of the Secretary of War, to the 10th day of April, 1862, the day upon which he was mustered in as such.

No objection being made, the bill was laid aside, to be reported favorably to the House.

ROBERT BENT AND JACK SMITH.

The next bill on the Private Calendar was the bill (S. No. 204) for the relief of Robert Bent and Jack Smith.

The bill, which was read, confirms the gift of six hundred and forty acres of land, each, made to Robert Bent and Jack Smith, son of John S. Smith, by the postscript to the treaty concluded with the Arapaho and Cheyenne Indians, February 18, 1861, and directs the Secretary of the Interior to cause patents in fee-simple to be issued for the same to said persons, their heirs, assigns, or legal representatives, conveying to them all the right, title, interest, and estate of the United States therein.

The Committee on Indian Affairs recommend that the bill be amended by inserting after the word "each" the words "recommended to be;" after the word "persons" the word "or;" strike out the words "assigns or legal representatives," and add to the bill the following proviso :

Provided, That the provisions of this act shall not be construed or have the effect to interfere with or impair any rights of any persons to said lands which may have already been acquired under the homestead or pre-emption laws of the United States.

Mr. HOLMAN. Is there a report accompanying this bill?

Mr. RAINY. I have here a report in writing.

The report was read, as follows :

Your committee find that in February, 1861, a treaty was entered into between the Arapahoe and Cheyenne tribes of Indians and the United States. Appended to that treaty will be found a postscript embodying the particular request and wish of the chiefs and councilors in general convention, to wit, that a gift from the nation of six hundred and forty acres of land be given to Robert Bent and the same number of acres be given also to Jack Smith, both half-breeds.

The land desired to be conveyed covers the valley and what is called the Sulphur Springs, lying on the north side of the Arkansas River, five miles below the Pawnee Hills, and about seven miles from old Fort Bent. They wish the General Government to recognize and confirm the same.

It is necessary to observe that although this provision is not contained or alluded to in the body of the treaty, it is none the less conceded as being a part and parcel of that instrument. This conclusion is readily reached when we call to mind that it was allowed by the Senate to remain while an important amendment was made to the eleventh article of the treaty. In fact no qualification was given to the actual treaty that was withheld from the postscript; it was signed by the same commissioners, and recognized by the Senate with the accustomed formalities applicable to confirmations, and subsequently embraced within the signature of the President and Secretary of State.

These acts of themselves, in the opinion of your committee, place it beyond the reach of doubt as being in every respect an understood, valid article of the treaty.

At the time of its final execution it was supposed that the Secretary of the Interior had sufficient authority implied, if not forcibly expressed, to warrant his issuing

of patents in fee-simple to both Robert Bent and Jack Smith without further legislation.

With this object in view the land was ordered surveyed and set apart for the purpose indicated; subsequently, however, he (the Secretary) has concluded that no such authority is conferred. Having thus concluded, and desiring to act under full authority of law, this bill, at his instance and recommendation, has been introduced and favorably considered by your committee, who now ask that it do pass, not only that authority may be granted to the honorable Secretary of the Interior, but as an act of justice to the claimants and good faith in carrying out the treaty stipulations.

The amendment was agreed to; and the bill as amended was laid aside, to be reported favorably to the House.

MAJOR ABSALOM BAIRD.

The next bill on the Private Calendar was the bill (H. R. No. 2131) to authorize a promotion in the Inspector-General's Department of the Army of the United States.

The preamble of the bill states that a vacancy of lieutenant-colonel in the Inspector-General's Department of the Army originated on the 13th of June, 1867, to which Major Absalom Baird was entitled to be promoted under the laws then in existence, but from which he was excluded by reason of an appointment in said department previously made; and that an act of Congress approved June 8, 1872, which it was believed would rectify this wrong, has failed to secure to Major Baird his just rights; and the bill authorizes the President to nominate and promote Absalom Baird to be lieutenant-colonel and assistant inspector-general, to date from June 13, 1867.

Mr. SPEER. I think I must object to that bill.

Mr. YOUNG, of Georgia. Before the gentleman objects I desire to move an amendment to the bill which I am instructed by the Committee on Military Affairs to offer.

Mr. COBURN. I understand that the gentleman from Pennsylvania [Mr. SPEER] objects to the bill because it gives back pay.

Mr. YOUNG, of Georgia. The amendment I have to offer will obviate that objection.

Mr. SPEER. I will hear the amendment.

Mr. YOUNG, of Georgia. I move to amend the bill by adding the following :

Provided, That no officer in said department shall by this act be reduced from his present grade, nor shall any pay or allowance be made to any officer under it except from the date of his promotion.

Mr. SPEER. That amendment will obviate my objection, and I will withdraw it.

The amendment was agreed to; and the bill as amended was laid aside, to be reported favorably to the House.

BECK & WIRTH.

The next bill on the Private Calendar was the bill (H. R. No. 2211) for the relief of Beck & Wirth.

The bill was read.

Mr. HOLMAN. I object. I think the case should be covered by general legislation.

ALFRED BOLDER.

The next bill on the Private Calendar was the bill (H. R. No. 551) granting a pension to Alfred Bolder.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Alfred Bolder, late a private in Company C, Forty-third Regiment United States Colored Troops, at the rate of eight dollars per month from the passage of the act.

No objection being made, the bill was laid aside, to be reported favorably to the House.

AUGUSTUS L. YAEGER.

The next bill on the Private Calendar was the bill (H. R. No. 1791) granting a pension to Augustus L. Yaeger.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Augustus L. Yaeger, late a sergeant in Company H, Two hundred and fifth Regiment Pennsylvania Volunteers, who became blind from exposure and disease contracted in the service of the United States.

No objection being made, the bill was laid aside, to be reported favorably to the House.

MARGARET E. WEST.

The next bill on the Private Calendar was the bill (H. R. No. 62) for the relief of Margaret E. West.

The bill was read. It authorizes the Secretary of the Treasury to pay to Margaret E. West, widow of Brigadier-General Robert M. West, late captain in the Seventh United States Cavalry, the sum of _____ dollars, out of any money in the Treasury not otherwise appropriated; said General West having died out of the service of the United States of disease contracted in the service of the United States during the late rebellion.

Mr. SPEER. I observe there is a blank in this bill.

Mr. RUSK. That can be filled in the House.

Objection being made, the bill went over.

JOSIAH BRINARD.

The next bill on the Private Calendar was the bill (H. R. No. 60) granting a pension to Josiah Brinard.

The bill was read. It authorizes and directs the Secretary of the

Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Josiah Brinard, late a private in Company E, Eighty-eighth Regiment of Pennsylvania Volunteers, at the rate of eight dollars per month from the passage of the act.

No objection being made, the bill was laid aside, to be reported favorably to the House.

ANN HUMPHREYS.

The next bill on the Private Calendar was the bill (H. R. No. 2214) granting a pension to Ann Humphreys, of Philadelphia.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann Humphreys, widow of Lawrence Humphreys, late a private in Company H, Ninety-first Regiment Pennsylvania Volunteers, and to pay her a pension from the passage of the act.

No objection being made, the bill was laid aside, to be reported favorably to the House.

HENRY C. SMITH.

The next bill on the Private Calendar was the bill (S. No. 317) for the relief of Henry C. Smith, of Indianapolis, Indiana.

The bill was read. It directs the Secretary of War to place the name of Henry C. Smith on the rolls as first lieutenant in Company H, Thirtieth Regiment Indiana Infantry Volunteers, as of the date of June 18, 1865; and that the proper accounting and pay officers shall allow and pay to said Smith the pay and emoluments of a first lieutenant from said date until the date of his discharge, deducting any sum or sums he may have received during said service.

MR. SPEER. I call for the reading of the report.

The report was read as follows:

Henry C. Smith was mustered into service as a veteran volunteer in Company A, Thirty-sixth Indiana Volunteers, on December 21, 1863, was promoted first sergeant May 14, 1863, and was borne upon the rolls and received pay as first sergeant until mustered out of service, November 25, 1865.

Company A, Thirty-sixth Indiana Volunteers, was consolidated with the Thirtieth Indiana Volunteers, and was known as Company H, Thirtieth Indiana Volunteers.

Smith was commissioned as second lieutenant in Thirty-sixth Indiana Volunteers by the governor of the State of Indiana, but was not mustered into service June 1, 1865. He was also commissioned as first lieutenant in Thirtieth Regiment by the governor of Indiana on June 2, 1865, but never mustered.

Smith claims pay of second lieutenant from June 10, 1865, to June 18, 1865, and pay of first lieutenant from June 18, 1865, to November 25, 1865, the date he was mustered out of service.

The records show that Company A, Thirty-sixth Indiana Volunteers, was, before consolidation with the Thirtieth Indiana Volunteers, reduced below the minimum strength, and was not entitled to a second lieutenant during the period for which Smith claims pay.

The records of Company H, Thirtieth Indiana Volunteers, show that while the name of Isaac Dulhagen was borne upon the rolls as first lieutenant during the entire period for which Smith claims to have acted as first lieutenant, they also show that the said Dulhagen was reported absent without leave from June 22, 1865, and never returned to his company, nor has he received pay for services rendered during that time.

Captain John P. Swisher is reported as absent upon detached duty. Smith furnished evidence to show that he did the duty of first lieutenant Company H, Thirtieth Indiana Volunteers, during the period for which he claims pay; and the records show that no other commissioned officer was present with the company during the period specified, and that no person has been paid for the services claimed to have been rendered by Smith.

In view of these facts, your committee recommend that Henry C. Smith, late of Company H, Thirtieth Indiana Volunteers, be allowed the pay and allowances of a first lieutenant from June 18, 1865, to November 25, 1865, less the amount already received by him as pay of first sergeant; and for that purpose they recommend the passage of said bill.

No objection being made, the bill was laid aside, to be reported favorably to the House.

ALMON P. GRAVES.

The next bill on the Private Calendar was the bill (H. R. No. 20) granting a pension to Almon P. Graves.

The bill was read. It directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Almon P. Graves, of Keene, in the State of New Hampshire, and pay him a pension from and after the passage of the act.

No objection being made, the bill was laid aside, to be reported favorably to the House.

ELIZABETH BRADY.

The next bill on the Private Calendar was the bill (H. R. No. 2215) granting a pension to Elizabeth Brady.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Brady, widow of Marion Brady, sergeant of Company D, Tenth Regiment of Indiana Volunteers, and pay her a pension from and after the passage of the act.

No objection being made, the bill was laid aside, to be reported favorably to the House.

ELIZABETH HACKLEMAN.

The next bill on the Private Calendar was the bill (H. R. No. 1832) granting a pension to Elizabeth Hackleman.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Hackleman, widow of Robinson Hackleman, deceased, late a private in Company —, Sixteenth Regiment of Indiana Volunteers.

No objection being made, the bill was laid aside, to be reported favorably to the House.

CORNELIA A. WASHBURN.

The next bill on the Private Calendar was the bill (H. R. No. 2216) granting a pension to Cornelia A. Washburn.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Cornelia A. Washburn, widow of Alfred Washburn, late acting master in the United States Navy.

No objection being made, the bill was laid aside, to be reported favorably to the House.

PRIVATE LAND CLAIMS.

MR. PAGE. I withdraw my objection to the bill (S. No. 719) to authorize the issue of patents to lands in cases of private land-claims.

The bill was read. It provides that in case of any claim to land in any State or Territory which has heretofore been confirmed by law, and in which no provision is made by the confirmatory statute for the making of surveys and the issue of patents, the Secretary of the Interior shall cause the same to be accurately surveyed in accordance with the provisions of the thirteenth section of an act of Congress approved March 3, 1851, and shall issue patents for the claims so confirmed, upon the presentation to the Commissioner of the General Land Office of plats of survey thereof, duly approved by the surveyor-general of any State or Territory, if the same be found correct by the said Commissioner. But such patents shall only operate as a relinquishment of title on the part of the United States, and shall in no manner interfere with any valid adverse right, if such exist, to the same land, nor be construed to preclude a legal investigation and decision by the proper judicial tribunal between adverse claimants to the same land. All acts and parts of acts inconsistent therewith are repealed.

The amendment reported by the Committee on Private Land Claims was to strike out all after the enacting clause, and insert in lieu thereof the following:

That in case of any claim to land in any State or Territory within the limits of the Territory acquired from Mexico by the treaty of Guadalupe Hidalgo, and by the treaty commonly known as the Gadsden purchase, excepting the State of California, and in which no provision is made by the confirmatory statute for the making of surveys and the issue of patents, the Secretary of the Interior shall cause the proper surveyor-general to accurately survey the same in exact accordance with the act of Congress confirming the claim, and at the expense of the United States, to be paid out of the ordinary appropriations for the public surveys; and the Commissioner of the General Land Office shall issue patents for the claims so confirmed, upon approval of the plats of survey thereof, in manner hereinafter provided.

SEC. 2. That whenever either of the surveyors-general as aforesaid shall hereafter, in compliance with the provisions of this act, have caused any claims to lands aforesaid to be surveyed, and a plat thereof to be made, he shall give notice that the same has been done, by publication once a week for four consecutive weeks, in two newspapers, one published at the capital of the State or Territory in which the land surveyed is situated, and one published next the land thus surveyed, and shall retain in his office for public inspection the survey and plat until ninety days from the date of the first publication at the capital of the State or Territory aforesaid shall have expired; and if no objections are made to said survey, he shall approve the same, and transmit a copy of the survey and plat thereof to the Commissioner of the General Land Office at Washington for his examination and approval; but if objections are made to said survey within the said ninety days by any party claiming to have an interest in the tract embraced by the survey, or any part thereof, such objection shall be reduced to writing, stating distinctly the interest of the objector, and signed by him or his attorney, and filed with the surveyor-general, together with such affidavits or other proofs as he may produce in support of the objection. At the expiration of said ninety days, the surveyor-general shall transmit to the Commissioner of the General Land Office at Washington a copy of the survey and plat, and objections, and proofs filed with him in support of the objections, and also of any proofs produced by the claimant and filed with him in support of the survey, together with his opinion thereon. And if the said survey and plat are approved by the said Commissioner of the General Land Office, he shall indorse thereon his certificate of approval, if disapproved by him, or if, in his opinion, the ends of justice will be subserved thereby, he may require a further report from the surveyor-general touching the matter indicated by him, or proofs to be taken thereon, or may direct a new survey and plat to be made. Whenever the objections are disposed of, or the survey and plat are corrected, or a new survey and plat are made in conformity with his directions, he shall indorse upon the survey and plat adopted his certificate of approval. After the survey and plat have been made as hereinbefore provided, and approved by the Commissioner of the General Land Office, it shall be the duty of the said Commissioner to cause a patent to issue to the claimant, or his legal representatives, as soon as practicable after such approval.

SEC. 3. That such patents shall only operate as a relinquishment of title on the part of the United States, and shall in no manner interfere with any valid adverse right, if such exist, to the same land, nor be construed to preclude a legal investigation and decision by the proper judicial tribunal between adverse claimants to the same land: *Provided*, That this act shall in no manner affect private land claims which have heretofore been surveyed and patented by competent authority.

The report was read, as follows:

The Committee on Private Land Claims, to whom was referred the bill (H. R. No. 719), to authorize the issue of patents to lands in cases of private land claims, make the following report:

This bill is designed to supply an omission in existing legislation. By the treaty of Guadalupe Hidalgo it was provided, in sections 8 and 9 thereof, as follows, to wit: "ART. 8. Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican republic, retaining the property which they possess in the said Territories, or disposing thereof, and removing the proceeds wherever they please, without being subjected, on this account, to any contribution, tax, or charge whatever.

"Those who shall prefer to remain in the said territories may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of exchange of ratifications of this treaty; and those who shall remain in the said Territories after the expiration of that year without having declared their intention to retain the character of Mexicans shall be considered to have elected to become citizens of the United States.

"In the said Territories property of every kind now belonging to Mexicans not established there shall be inviolably respected.

"The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy, with respect to it, guarantees equally ample as if the same belonged to citizens of the United States.

"ART. 9. Mexicans who, in the Territories aforesaid, shall not preserve the character of citizens of the Mexican republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution, and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction."

For the purpose of giving effect to the above stipulations, Congress passed a law, approved July 22, 1854, the eighth section of which is as follows, to wit:

"SEC. 8. *And be it further enacted*, That it shall be the duty of the surveyor-general, under such instructions as may be given by the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico; and for this purpose may issue notices, summon witnesses, administer oaths, and do and perform all other necessary acts in the premises. He shall make a full report on all such claims as originated before the cession of the territory to the United States by the treaty of Guadalupe Hidalgo, of 1848, denoting the various grades of title, with his decision as to the validity or invalidity of each of the same under the laws, usages, and customs of the country before its cession to the United States; and shall also make a report in regard to all pueblos existing in the Territory, showing the extent and locality of each, stating the number of inhabitants in the said pueblos, respectively, and the nature of their titles to the land. Such report to be made according to the form which may be prescribed by the Secretary of the Interior; which report shall be laid before Congress for such action thereon as may be deemed just and proper, with a view to confirm *bona fide* grants, and give full effect to the treaty of 1848, between the United States and Mexico; and until the final action of Congress on such claims, all lands covered thereby shall be reserved from sale or other disposal by the Government, and shall not be subject to the donations granted by the previous provisions of this act." (See Statutes at Large, volume 10, page 309.)

In pursuance of said section 8, act of July 22, 1854, Congress has heretofore confirmed the titles to sundry private land claims under the treaty of Guadalupe Hidalgo, but omitted in the confirmatory statutes to provide for the segregation or the patenting of the confirmed claims. The act of June 21, 1860, (Statutes, volume 12, page 71,) provided for survey and patents for claims Nos. 9 and 17, because the legislation for those claims was peculiar and exceptional; but, while confirming the titles, it made no provision for surveying and patenting claims Nos. 1, 3, 4, 6, 8, 10, 12, 14, 15, 16, 18, and the claim of E. W. Eaton, not numbered in the act. It was probably supposed that the general statute regulating surveys and patents in that class of cases made ample provision, but that was an error. The only act upon the statute-books, namely, December 22, 1854, (Statutes, volume 10, page 599,) was restricted to such claims as had "heretofore been confirmed." By the third section of the act May 30, 1862, (Statutes, volume 12, page 409,) Congress impliedly, and by the act of June 2, 1862, (Statutes, volume 12, page 412,) expressly, provided for such surveys and patents in cases of "all claims or grants of land in any of the States and Territories of the United States derived from any foreign country or government."

Growing out of certain claims advanced by William McGarrah relative to his "Panoche Grande" rancho, in California, and because there was ample provision in other subsequent statutes for surveys and patents of private land claims in California alone, (see act of July 1, 1864, Statutes, volume 13, page 332,) Congress, February 18, 1871, repealed the act of June 2, 1862, (Statutes, volume 16, page 416.) The effect of this repeal upon the States and Territories, other than California, was apparently not considered by Congress; but the repeal left them in the matter of confirmed private land claims without any legislation to authorize surveys and patents, except the implied authority of the third section act of May 30, 1862, (Statutes, volume 12, page 409.)

Under date of July 27, 1871, Secretary of the Interior Delano decided that this act of May 30, 1862, "applies only to a case where a patent is required to issue." He held that the act of June 21, 1860, which confirmed several grants, did not require the issuing of a patent, is of itself equivalent to a patent, and hence that he was not authorized to survey and patent those confirmed claims.

By reason, therefore, of the absolute repeal of the act of June 2, 1862, and of the official construction given to the third section of the act of May 30, 1862, there is no existing statutory provision by which the locus of these confirmed claims can be defined and the claimants furnished with the usual evidence of title. The proposed bill is designed solely to supply that omission. It has no relation to the questions of titles, but simply provides for segregation and issuing of patents for claims "heretofore confirmed." It does not even deal with titles that may hereafter be confirmed, because that would seem to anticipate future legislation. It is confined to that portion of the United States embraced in the treaty of Guadalupe Hidalgo and the Gadsden purchase, excepting the State of California. That State is excepted, because the act of July 1, 1864, (Statutes, volume 13, page 332,) makes complete provision therefor, and ample legislation also exists as to similar confirmations within the old French and Spanish cessions.

This bill is as important to the United States as to the confirmees. The title of the latter is already assured by the treaty and the confirmatory statute. But they are reasonably entitled to be furnished, as all similar confirmees have been, with an official survey, and with the usual evidence of title. That is all that is proposed by the accompanying bill. Without the same, any one will readily perceive the great and continued labor and expense that will hereafter be entailed upon the confirmees in suits with settlers under or purchasers from the United States in questions involving the boundaries of their confirmed titles. It is equally apparent that until these confirmed treaty claims are segregated and patented, settlers of the United States cannot know where to locate safely so as not to trespass upon the premises of these confirmees. The United States cannot determine the lines of these claims, and they necessarily extend the lines of the public surveys over these grants, and sell them off under the public land laws. The purchasers and the confirmees are thus thrown into ruinous litigation, which would have been avoided by an official survey and patent. And if the United States do not thus extend their public surveys and offer for sale, then they have to go to the other extreme, and reserve, to avoid possible conflict, much larger tracts than would prove by official survey to have been included in the confirmations.

The Commissioner of the General Land Office has fully considered this subject in his annual reports for 1871, 1872, and 1873. In the General Land Office report for 1871, page 64, is the following, to wit:

"It is most important to the growth and prosperity of these Territories, to which settlement is being rapidly attracted by the extension of railroads, that a separation be made at the earliest possible period between the public lands and those claimed under foreign titles. In this way only can the settler know where to locate safely so as not to intrude on the premises of others. The want of such definitive adjustment of the lines of the public and private lands has already in one instance, brought to notice by the governor of New Mexico, led to armed hostilities between settlers and employees of the grant claimants."

The accompanying bill only provides for the proper survey of those grants which have heretofore been confirmed by acts of Congress, and for the issuing of patents to the confirmees for the same.

Your committee therefore recommend the passage of the accompanying bill,

which is a substitute for the original bill, and ask to be discharged from the further consideration of the subject.

Mr. SPEER. I raise the question whether it is in order to withdraw an objection after the Committee of the Whole has proceeded to other business.

The CHAIRMAN. The Chair understands it to be in accordance with the rules. The objection may, however, be renewed by any member. Does the gentleman from Pennsylvania [Mr. SPEER] object to this bill?

Mr. SPEER. I do not.

The bill was laid aside, to be reported to the House with the recommendation that it be passed with the amendment.

EDGAR L. SPENCER.

The next bill on the Private Calendar was the bill (H. R. No. 256) for the relief of Edgar L. Spencer.

The bill was read.

Mr. SPEER. I object. I think such cases as this should be covered by a general bill.

HENRY BRUCKNER.

The next bill on the Private Calendar was the bill (H. R. No. 2217) granting a pension to Henry Bruckner, late a private of Company F, Fifty-eighth Regiment Illinois Volunteers.

The bill, which was read, provides that the Secretary of the Interior be, and he is thereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry Bruckner, late a private of Company F, Fifty-eighth Regiment Illinois Volunteers.

The report was read, as follows:

That they find that Henry Bruckner enlisted as a private in Company F, Fifty-eighth Regiment Illinois Volunteers, on the 20th day of November, 1861, and was honorably discharged at Saint Louis, Missouri, on the 31st day of October, 1862, on account of disability; and alleges that on the 4th day of April, 1862, near Pittsburgh Landing, while engaged in digging a sink, under orders, he was hit by a stick in the scrotum so as to cause hernia.

Captain Nichlaw and Frederick Haymeyer, of Company F, Fifty-eighth Regiment Illinois Volunteers, testify as to the injury received; that the same occurred as stated by petition, at Pittsburgh Landing, April 4, 1862, and resulted in hernia. Charles A. Mayer and J. G. Miller, privates, of Fifty-eighth Illinois Volunteers, testify that they were on the detail with petitioner, digging a sink near Pittsburgh Landing, and saw him when he received the injury.

Dr. J. B. Braun, of Chicago, testified that he was petitioner's family physician before he entered the service, and that at the time of his enlistment he was a sound, healthy man, free from rupture.

Certificate of discharge, dated 31st day of October, 1862, gives hydrocele complication with hernia. Surgeon states that an operation would be tedious, if successful, and recovery doubtful.

Frederick Phillips, a citizen of Chicago, knew the petitioner before he entered the service; that he was a sound man; that he lived in the house with his family, and that his wife frequently showed letters from petitioner, in which he states that he had received an injury at or near Pittsburgh Landing, and was ruptured.

Board of examining surgeons for Chicago, in certificate of examination, dated June 5, 1862, give hernia, and recommend a pension at one-half rate.

In the opinion of your committee, the evidence fully establishes the fact that Henry Bruckner received an injury in the service, and while in the line of his duty, which resulted in hernia, and that he is still suffering from the same; therefore report favorably, and recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside, to be reported favorably to the House.

SARAH SUMMERVILLE.

The next bill on the Private Calendar was the bill (H. R. No. 2218) granting a pension to Sarah Summerville.

The bill, which was read, provides that the Secretary of the Interior be, and he is thereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Summerville, widow of Alexander S. Summerville, deputy provost-marshal for the eleventh district of Illinois.

The report was read, as follows:

That it is represented in the petition that Alexander S. Summerville was a deputy provost-marshal under Colonel O'Kane, of the eleventh district of Illinois, and while performing the duties of such deputy in attempting to arrest deserters in the county of Fayette, in said State, on August 24, 1863, was shot and severely wounded by one of these deserters, and died from the effects of said wound on September 7, 1863, leaving Sarah Summerville, his widow, and three minor children. It is further represented that Mrs. Summerville is very poor, in feeble health, and is dependent on the charity of the community in which she resides for the support of herself and children, and asks the passage of a special act placing the name of this destitute family on the pension-rolls.

Your committee find that Alexander Summerville lost his life in the discharge of his duty as deputy provost-marshal in attempting to arrest deserters under proper orders from his superior officer; that he was shot by a deserter in the county of Fayette, Illinois, on the 24th day of August, 1863, and died on the 7th day of September thereafter; that the petitioner, Sarah Summerville, is his widow, and that he left three minor children.

Your committee, in view of all these facts in the case, are of the opinion that Alexander Summerville lost his life while serving his country; that the faithful and energetic discharge of his duties as an officer led to his death, and the appeal of his widow and orphan children to the Government for assistance should not be in vain. Therefore, your committee report favorably, and recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside, to be reported favorably to the House.

PATRICK HICKEY.

The next bill on the Private Calendar was the bill (H. R. No. 2219) granting a pension to Patrick Hickey.

The bill was read. It provides that the Secretary of the Interior be, and he is thereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension-laws,

the name of Patrick Hickey, late a private in Company E, First United States Artillery, and pay him a pension from and after the passage of this act.

The report was read, as follows:

The applicant entered the service of the United States as a private in Company K, Second Regiment United States Artillery, on the 21st day of December, 1843, and served throughout the Mexican war. His Captain, C. F. Smith, testifies to his enlistment and good conduct throughout the war. John J. Peck, brevet major United States Army, makes the following certificate:

JEFFERSON BARRACKS, MISSOURI, January 7, 1849.

This is to certify that Patrick Hickey, late a private in Company K, Second Regiment United States Artillery, served throughout the whole Mexican war with credit to himself and honor to his country.

He participated in every battle, save Buena Vista, and from the occupation of Matamoras until the close of the war was under my immediate command. His character for honesty and integrity was unquestionable, and I reposed entire confidence in him.

JOHN J. PECK,
Brevet Major United States Army.

The above is a true copy of the original, which has been somewhat defaced by wear and tear. I have been personally and officially acquainted with the above-named officer and his signature.

M. D. L. SIMPSON,
Lieutenant-Colonel and Acting Commissary General of Subsistence,
Brevet Brigadier-General.

WASHINGTON, D. C., March 30, 1867.

From this regiment he was honorably discharged about December 21, 1848. His second enlistment was into Lieutenant Kingsbury's detachment of ordnance, as his discharge shows, on the 1st day of November, 1853, and that he was discharged therefrom, as stated on the face of the discharge, "in consequence of his own application to Major-General Scott, and his recommendation," the 22d day of May, 1854. His character given by his discharge is as follows:

Said Hickey has served honestly and faithfully during his brief term of service, and is believed to be an industrious and trustworthy man.

C. P. KINGSBURY,
Lieutenant of Ordnance.

For the third time he enlisted in the service the 23d day of January, 1855, as a private in Company E, First Regiment United States Artillery. From this service he was discharged the 14th of August, 1857, on account of disability incurred, and from which he is still suffering. The following certificate is taken as good evidence of his injury:

COLEMAN HOUSE, New York, December 5, 1863.

I certify that Patrick Hickey is well known to me; that he served with my command at Fort Dallas, Florida, as a member of my company, (Company E, First United States Artillery,) and that he was discharged therefrom in consequence of debility and night blindness, caused by prostration from the extreme heat in that southern climate, superinduced, to the best of my recollection, by the difficult and arduous service we were called upon to accomplish in order to drive the Seminole Indians from the country. This was in the fall of 1857.

Patrick Hickey is now at the Soldiers' Home in Washington. His character is excellent. His long and faithful services, his piety and sobriety, together with his gallantry shown on numerous battle-fields in the Mexican war, entitle him, in my opinion, to the greatest consideration.

ABNER DOUBLEDAY,

Colonel Thirty-fifth Infantry, Brevet Major-General United States Army.

Your committee, in view of these facts, and the eminent services of this soldier, and the fact that he is now suffering from disability, as is shown by the certificates of examining surgeons, think he is entitled to a pension, and therefore report the accompanying bill, and recommend its passage.

There being no objection, the bill was laid aside, to be reported favorably to the House.

ANDREW J. BALDWIN.

The next bill on the Private Calendar was the bill (H. R. No. 2220) granting a pension to Andrew J. Baldwin.

The bill, which was read, provides that the Secretary of the Interior be, and he is thereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Baldwin, late a corporal in Company G, Tenth Indiana Cavalry Regiment, and pay him a pension from and after the passage of the act.

The report was read, as follows:

Andrew J. Baldwin was a corporal of Company G, Tenth Indiana Cavalry; was captured at Hollow Tree Gap, Tennessee, December 17, 1864, while in pursuit of General Hood, on his retreat from Franklin, Tennessee. While making a charge upon the rebel lines his horse fell and ruptured him, producing inguinal hernia, as termed by the surgeons. Mr. Baldwin was also wounded twice in the charge—once in the leg, once in the right shoulder. He was taken to Andersonville after his capture and placed in prison. There he was affected with the scurvy. He remained six months in prison at Andersonville; had no medical attendance while there, leaving nature to heal his wounds, and used his hands for a truss in pressing his bowels back to their proper position. All of the above facts are clearly proven by his own affidavit and corroborated by those of his comrades. From the time of his capture, and the manner of the service in which he was engaged at the time of his capture, it is simply impossible, in this instance, for Mr. Baldwin to supply the affidavits of his commanding officers or his regimental surgeons. Mr. Baldwin and about thirty soldiers of his regiment were captured with a detachment of Ohio soldiers. Not an Indiana officer or surgeon was with him when captured or wounded. The application for a pension was made in due time, and should have been granted before this date. Three examining surgeons have examined the condition of Mr. Baldwin, and all have agreed that he is permanently disabled.

The committee recommended a pension be given Mr. Baldwin according to his disability.

There being no objection, the bill was laid aside, to be reported favorably to the House.

MARY B. TRIPLETT.

The next bill on the Private Calendar was the bill (H. R. No. 2221) granting a pension to Mary B. Triplett, guardian of the minor heirs of John A. Tomlinson.

The bill was read. It provides that the Secretary of the Interior be, and he is thereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the

name of Mary B. Triplett, guardian of the minor heirs of John A. Tomlinson, late of Company B, Second Illinois Cavalry, and pay her a pension from and after the passage of the act.

The report was read, as follows:

Mary B. Triplett, guardian for minor heirs of John A. Tomlinson, deceased, asks for pensions for the following minor children of the deceased:

John A. Tomlinson was a soldier of Company B, Second Illinois Cavalry. Application No. 169618 for such pension was filed January 27, 1869. Petition was refused by the Commissioner of Pensions, February 23, 1870, on the ground that the soldier was not in the line of his duty at the time of his death. Upon an examination of the papers connected with and pertaining to the application, this committee find that while the command to which said John A. Tomlinson belonged was on the march from Clinton, Kentucky, to Fort Pillow, Tennessee, said Tomlinson was permitted to go and see his family, living near by the line of march of the command. He was either killed and thrown into a small lake, or drowned while crossing said lake. His body was found in the water; marks of violence were found upon his person. His horse was found by his comrades near the stream, entangled in some brush. Thomas J. Garrison, the captain commanding the company to which said Tomlinson belonged, under oath states that he gave Mr. Tomlinson permission to "go by" and see his family, residing near the road over which the command was traveling.

The marriage of John A. Tomlinson to Miss Wade, now Mary B. Triplett, is proven, as well as the birth of the following-named children, the issue of the marriage between John A. Tomlinson and Miss Wade:

Martha A. E., born 17th January, 1851; John A., born 25th July, 1856; William D., born 11th June, 1858.

The widow of John A. Tomlinson was remarried —, A. D. 186-, to a Mr. Triplett.

Your committee report in favor of granting a pension to such children as were entitled to a pension under the existing law.

There being no objection, the bill was laid aside, to be reported favorably to the House.

HUGH WALLACE.

The next bill on the Private Calendar was the bill (H. R. No. 336) granting a pension to Hugh Wallace.

The bill was read. It provides that the Secretary of the Interior be, and he is thereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension-laws, the name of Hugh Wallace, late a private in Company F, Forty-sixth Regiment Missouri Infantry Volunteers, from and after the passage of the act.

The report was read, as follows:

Said Wallace entered the service on the 25th of August, 1864, and was honorably discharged therefrom on the 2d day of July, 1865, on account of disease contracted in the service. The Pension Bureau rejected his application, for the reason that he could not furnish the certificate of an officer of his company that the disease on account of which he was discharged was contracted in the line of duty. This he cannot do for the reason that he was serving with a detachment of another command, and absent from his company, by order of the commanding officer at Springfield, Missouri. It is abundantly proven by officers and men of other commands, as well as citizens, that he was a sound, able-bodied man when he entered the service, and that the disease which he contracted by exposure while in the service caused paralysis of his left arm, left side, and partial paralysis of his left leg. His left arm is entirely useless. It is certified that he was a man of steady habits and a faithful soldier, and in view of all the circumstances of the case the committee recommend the passage of the accompanying bill.

Upon an examination of the papers referred to the Committee on Invalid Pensions of the Forty-third Congress the committee adopt the above report of a previous committee in the case of Hugh Wallace, and recommend that a pension be given to the petitioner, Mr. Wallace.

There being no objection, the bill was laid aside, to be reported favorably to the House.

ROBERT F. WINSLOW.

The next bill on the Private Calendar was the bill (H. R. No. 2223) for the relief of Robert F. Winslow.

The bill, which was read, provides that the Secretary of the Treasury of the United States be, and he is thereby, authorized to pay to Robert F. Winslow, of Illinois, out of any money not otherwise appropriated, the sum of \$813.82, for services rendered in raising, drilling, and equipping troops mustered into the United States service during the late war of the rebellion.

The report was read, as follows:

That it has been satisfactorily shown by the statements of Dr. Joseph Shugart, the surgeon of the regiment, and others, that on the 6th day of August, A. D. 1861, the memorialist received authority from the Secretary of War to raise a regiment of infantry volunteers, as appears by a certified copy of the order of said Department, and that immediately thereupon he left a lucrative professional business, yielding him a livelihood for himself and family, and applied himself exclusively, diligently, and in good faith to raising and organizing said regiment; and that in doing so the memorialist necessarily expended \$375 in the employment of recruiting officers, and succeeded in enrolling between six and seven hundred men, nearly all of whom were mustered into the military service of the United States in the Fifty-seventh Regiment of Illinois Volunteers.

And further report that said Winslow established a camp of rendezvous and instruction for said volunteers at Princeton, Bureau County, Illinois, and gave his personal attention to their instruction. That he was supplied with tents, subsistence, and camp equipage for said regiment, all of which was in the charge of said memorialist.

That the committee have also been furnished with certified evidence of his excellency Richard Yates, then governor of the State of Illinois, establishing said facts, of which the following are true extracts:

STATE OF ILLINOIS, EXECUTIVE DEPARTMENT,
Springfield, March 10, 1862.

"I, Richard Yates, governor of the State of Illinois, do certify that from the best information Colonel Robert F. Winslow rendered most effective service in raising some six or seven hundred men for regiment of which he was, by order of the War Department, to be the colonel.

"I am informed he spent much time and money in recruiting the men. In my judgment he ought to be compensated in full for both."

By the consolidation of these men with another regiment the memorialist was deprived of all the fruits of his exertions and outlay, and it would be injustice to refuse him compensation for the service he has rendered the country in adding to

its effective force in the field a large body of men. The committee further report that the Committee on Military Affairs, to which said claim of said Winslow was referred at a previous Congress, reported in favor of allowing the same.

Your committee therefore recommend the House of Representatives to allow the said Robert F. Winslow \$813.32 being the same rate of pay and commutation allowed by law to colonels of infantry, the same being computed for three months and four days, during which he was actually in charge of said volunteers, to wit, from the 6th day of August, A. D. 1861, to the 10th day of November, in the same year; and to that end report the accompanying bill as a substitute for H. R. 342, and recommend its passage.

There being no objection, the bill was laid aside, to be reported favorably to the House.

EMANUEL SMALL AND JAMES TATE.

The next bill on the Private Calendar was a bill (H. R. No. 2270) making an appropriation to pay Emanuel Small and James Tate, of Atchison County, Missouri, for carrying the mails.

The bill, which was read, provides that there be appropriated the sum of \$110 to pay Emanuel Small and James Tate, of Atchison County, Missouri, the amount found by the Sixth Auditor of the Treasury to be due them for carrying the mails of the United States in the said county of Atchison, under a contract with United States, during the years 1868 and 1869; and the Secretary of the Treasury is thereby directed to pay the said Emanuel Small and James Tate, or either of them, the said sum hereby appropriated.

Mr. PARKER, of Missouri. I ask that the following letter be read. The Clerk read as follows:

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, February 24, 1874.

SIR: Relative to the case of Small and Tate, late mail contractors in 1868-'69, you are informed that payment is withheld for want of an appropriation; and the same cannot be paid until Congress makes an appropriation to cover these back cases.

The amount found to be due is \$110.

Very respectfully, your obedient servant,

J. J. MARTIN, Auditor.

Hon. ISAAC C. PARKER,
House of Representatives.

There being no objection, the bill was laid aside, to be reported favorably to the House.

OLIVER POWERS.

The next bill on the Private Calendar was a bill (S. No. 336) for the relief of Oliver Powers.

The bill, which was read, provides that Oliver Powers, of Company K, Tenth Tennessee Cavalry, be allowed pay as private from the 15th day of February, 1864, to the day of the muster-out and discharge of said company, together with such bounties and allowances as would have been due him by law had his name remained on the rolls of his company; and that the Pay Department be directed to adjust and pay the same.

The report was read, as follows:

The petition of the claimant shows that Oliver Powers, late private Company K, Tenth Tennessee Cavalry, while on picket duty near Athens, Alabama, was captured by the enemy, ill-treated, and carried into captivity, &c.; that, owing to ill-treatment and robbery of his clothing, he fell sick, was paroled, and left by his captors some thirty miles from Athens, where he remained unable to help himself for six months; then, making his way to his home under great difficulties and suffering, he found that he had, in the mean time, been reported on the rolls as a deserter, and thus is barred of his honorable discharge, back pay, &c. This petition is verified and accompanied by affidavit in due form of J. M. Anderson, late first lieutenant Company K, Tenth Tennessee Cavalry, corroborating petitioner's statements, and stating that before this command was mustered out it was the intention of the company commander to change the rolls so as to relieve petitioner from the charges of desertion, &c., but that the same was neglected. He also testifies to the courage and soldierly qualities and good character of the petitioner.

An intimate knowledge of the country, and the frequent happening of such occurrences, taken in connection with the proofs, warrant belief in the facts stated by the petitioner.

The committee report Senate bill No. 366, authorizing and directing the Secretary of War to correct the record so as to honorably muster out and discharge Oliver Powers, late private Company K, Tenth Regiment Tennessee Cavalry, and directing the Secretary of War and accounting officers of the Treasury to pay or cause to be paid to said Oliver Powers, late private Company K, Tenth Regiment Tennessee Cavalry, such back pay, bounty, and allowances as he would have been entitled to receive but for the record of his alleged desertion.

Your committee recommend the passage of Senate bill No. 366.

There being no objection, the bill was laid aside, to be reported favorably to the House.

W. W. ELLIOTT.

The next bill on the Private Calendar was the bill (S. No. 310) for the relief of W. W. Elliott.

The bill, which was read, provides that the Secretary of the Treasury be, and thereby is, authorized and directed to pay to W. W. Elliott, of Mulberry Grove, Illinois, from the funds of the medical and hospital department, a sum equal to \$100 per month from April 20, 1862, to May 29, 1863, the period of his services as an acting assistant surgeon deducting all pay and allowances received by him as an enlisted man during the same period.

The report was read, as follows:

The papers in this case conclusively show that Dr. W. W. Elliott, of Mulberry Grove, Illinois, enlisted as a private in Company G, Twenty-second Illinois Volunteers; was detailed by order of General E. A. Paine as acting assistant surgeon of Battery C, First Illinois Light Artillery, and under written contract served as such acting assistant surgeon, being responsible for property, &c., from April 20, 1862, to May 29, 1863, when he was commissioned as first assistant surgeon, Fifty-first Illinois Volunteers. He has never received pay except as private for the term he was employed as such acting assistant surgeon. It is fully made out by the papers that such service was important and valuable, and has received the appro-

bation of the Surgeon-General and the Secretary of War. The committee recommend the passage of the bill.

There being no objection, the bill was laid aside, to be reported favorably to the House.

THOMAS T. CRITTENDEN.

The next business on the Private Calendar was the bill (H. R. No. 1297) for the relief of THOMAS T. CRITTENDEN, of Missouri.

The bill, which was read, provides that the proper accounting officers of the Treasury Department be, and they are thereby, authorized and directed to pass to the credit of THOMAS T. CRITTENDEN, late collector of internal revenue in the fifth collection district of Missouri, the sum of \$21,641.56 in the adjustment of his revenue accounts, including the accounts of his deputy collector, John Montgomery, during the period that he was acting collector of that district, the records of their offices having been destroyed by fire, and it being impracticable under existing laws to equitably adjust those accounts; also to credit said THOMAS T. CRITTENDEN in the settlement of his disbursing account the sum of \$298.50, the amount paid by him to Assistant Assessor John B. Biederlinden for services rendered during the months of September, October, and November, 1866, and prior to taking the oath required by law.

The report was read, as follows:

In reply to various letters of inquiry, the Commissioner of Internal Revenue has addressed to the committee the following letters, which give a full and clear statement of the facts on which this claim is based:

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, February 17, 1874.

SIR: I have the honor to acknowledge the receipt of your letter of the 13th instant, relative to the claim of Hon. T. T. CRITTENDEN, late collector internal revenue, fifth district Missouri, containing a series of questions; and I reply to the same in order, as follows:

1. Mr. CRITTENDEN was appointed collector of internal revenue for the fifth district of Missouri August 21, 1866. He took possession of the office October 23, 1866. As his appointment was not confirmed by the Senate, it expired upon the adjournment of Congress, March 3, 1867, as per act of March 2, 1867, section 3, and the duties of the office devolved upon John Montgomery, his principal deputy, who became acting collector, as provided in the act of June 30, 1864, section 40, as amended March 2, 1867, section 9. The records of this office show, however, that the date when Mr. CRITTENDEN actually transferred the office to Mr. Montgomery was April 20, 1867. Mr. John Montgomery continued in office as acting collector of this district from April 20, 1867, until January 19, 1868, when he was succeeded by W. J. Chandler, Ap collector.

3. Mr. CRITTENDEN was notified of the expiration of his commission by a telegram from this office dated March 4, 1867, and also by letter dated April 4, 1867. (See copies herewith.)

4. A representative of this office visited Sedalia, Missouri, in October, 1871, for the purpose of making an investigation into the facts connected with the administration of the office of collector by Mr. CRITTENDEN and Mr. Montgomery, and, if possible, effect a settlement of their accounts with the Government. He found no records, or assessment lists, or papers of any kind pertaining to the office of collector for the period embraced in Mr. CRITTENDEN's term of office, and was told, and had good reason to believe, that these records had all been destroyed by a fire that commenced in a building adjoining the one occupied as collector's office, and in a very short time burned that and a number of other buildings, all being constructed of wood.

The records of the office that covered the period from November 7, the date of the fire mentioned, to January 19, 1868, he was informed by Mr. Montgomery, had been placed in the office of the assessor of that district, and destroyed in the fire that burned that office in January, 1871.

This statement was confirmed by Mr. Leaming, the assessor, and others. He discovered no evidence in any way connecting either Mr. CRITTENDEN or Mr. Montgomery with the origin of either of these fires. Owing to the absence of all these records and papers he was unable to do anything towards effecting a settlement of the account. Another office of this office visited Sedalia, Missouri, in June, 1873, and reported substantially the same facts stated above.

5. Both of the agents of this office referred to reported that Mr. CRITTENDEN and Mr. Montgomery were willing to do anything in their power to effect a settlement of their accounts, but in the absence of the records and requisite data were utterly unable to comply with the requirements of the law and regulations.

Claims for the abatement of a large portion of the outstanding taxes were prepared by Mr. Montgomery, which he was unable to complete owing to the absence of the assessment lists, as above stated.

6. The various reports required of collectors appear to have been made by both Mr. CRITTENDEN and Mr. Montgomery during their terms of office, and the affairs of the office properly conducted.

7. At the expiration of the term of office of Mr. Montgomery, acting collector, the instructions of this office relative to the transfer of the office to W. J. Chandler, his successor, appear to have been promptly complied with.

8. Mr. CRITTENDEN's account as "stamp-agent" has been settled in full, and closed upon the books of the Department.

9. From the evidence on file in the office and the reports of the agents herein referred to, I have no reason to believe that the affairs of the office of that district were not properly conducted by both Mr. CRITTENDEN and Mr. Montgomery during their incumbency, and I am satisfied that in the absence of all the office records the uncollected taxes now standing charged to the account of Mr. CRITTENDEN cannot be accounted for by him, as required by the law and regulations of the Department.

10. The information obtained by the agent of the Department who visited Sedalia in October, 1871, was that the fire occurred at night, when the office was closed, and that neither Mr. Montgomery nor any of his clerks reached the spot in time to save anything whatever; that the town was composed at that time almost entirely of two-story frame buildings, which under a high wind burned with great rapidity.

11. The records of this office show that John B. Biederlinden was duly commissioned as assistant assessor August 17, 1865, but that he did not take the oath of office required by act July 2, 1862, (volume 12, page 502 of Statutes) until November 30, 1866. The payment made to him by Mr. CRITTENDEN was for twenty-two days' service in September, 1866, twenty-five days' service in October, 1866, and twenty-three days' service in November, 1866, which, though actually performed, could not be legally paid for, as he was not at that time a qualified officer.

Very respectfully,

J. W. DOUGLASS,
Commissioner.

GEORGE C. SMITH, Esq.,
Clerk Committee on Claims, House of Representatives.

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, April 4, 1867.

SIR: In reply to your letter of the 29th of March, I have to say that your term of office expired on the 3d of March. On the 4th of March the following telegram was sent to you:

"Your commission having expired, office devolves upon your senior deputy. Report his name."

Very respectfully,

THOMAS HARLAND,
Deputy Commissioner.

T. T. CRITTENDEN, Esq.
Warrensburg, Missouri.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT MISSOURI,
Carthage, 2d, 24, 1874.

SIR: Understanding your committee have under advisement a bill for the relief of Hon. T. T. CRITTENDEN, M. C., late collector of internal revenue for the fifth district of Missouri, I take pleasure in stating to your committee that I am the present collector of said district, and have had charge of said office since June, 1871. A sense of justice compels me to volunteer the statement that while Mr. CRITTENDEN stands charged with the full amount of lists received for to the assessor during his term of office, the offices of both assessor and collector of said district were entirely destroyed by fire, leaving the collector without the data or means for reducing his liability; and that the whole amount for which relief is asked is entirely owing to the loss of said lists, his other obligations having, according to the records of this office, been fully and promptly met.

From personal acquaintance with Mr. C. I would gladly testify to his high standing in community as a gentleman of high sense of honor and strictest integrity, and I would be pleased to hear of your favorable report on the bill for his relief, and hope Congress will do him the justice to pass the same.

I have the honor to be, very respectfully,

D. H. BUDLONG,
Collector Fifth District of Missouri.

Hon. JOHN Q. SMITH,
Chairman Sub-committee.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, February 25, 1874.

SIR: I have the honor to acknowledge the receipt of your letter of this date, relative to your bill for relief now pending before Congress, in which you ask the following question:

"Does the amount covered by the bill introduced into Congress by General STANARD, of Missouri, for the relief of myself, as late collector fifth district of Missouri, embrace, as far as shown by the records of your office, the full ascertained sum charged against myself, not otherwise accounted for, for which I should be released, and for which I cannot account, by reason of the loss of the assessment lists and records by the fire at Sedalia, Missouri?"

In reply I would say that it does. It is the balance now outstanding as uncollected assessments upon the lists received for to the assessor by yourself and Mr. Montgomery, which do not appear to have been either collected or abated, being as stated, \$21,641.56.

Very respectfully,

J. W. DOUGLASS,
Commissioner.

Hon. T. T. CRITTENDEN,
House of Representatives.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, February 27, 1874.

SIR: In compliance with your request, I have the honor to inclose herewith a copy of a letter of John Montgomery, late acting collector internal revenue fifth district of Missouri, dated November 18, 1867, giving a detailed account of the circumstances of the fire that destroyed his office and office records on the night of the 6th of November, 1867, referred to in the bill for relief of late Collector CRITTENDEN and Acting Collector Montgomery, now before Congress.

I also inclose a copy of a letter from the assessor, M. J. Leaming, dated January 2, 1871, announcing the fact that his office was destroyed, with all its records, on that day.

The representative of this office who visited Sedalia, Missouri, in October, 1871, was informed both by Mr. Montgomery and Mr. Leaming, the assessor, that in this second fire of January 2, 1871, most of the records accumulated by Mr. Montgomery after the fire of November 6, 1867, were then destroyed, having been placed in the assessor's office for safe-keeping.

Very respectfully,

Commissioner.

Hon. JOHN Q. SMITH,
Committee on Claims. House of Representatives.

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, FIFTH DISTRICT MISSOURI,
Sedalia, Missouri, January 2, 1871.

SIR: It becomes my painful duty to report to you that the assessor's office of the fifth district, together with all the books, papers, records, &c., pertaining thereto, was totally destroyed by fire this morning between four and five o'clock. The fire had progressed so far before being discovered that it was absolutely impossible to save anything, and all the records of the office are completely destroyed.

Very respectfully, your obedient servant,

MACK J. LEAMING,
Assessor.
By MORRIS TRUMBULL,
Chief Clerk.

Hon. J. W. DOUGLASS,
Acting Commissioner Internal Revenue, Washington, D. C.

UNITED STATES INTERNAL REVENUE,
ACTING COLLECTOR'S OFFICE, FIFTH DISTRICT MISSOURI,
Sedalia, November 18, 1867.

SIR: I have the honor to acknowledge the receipt of your letter of 13th instant, directing that I will inform you of the origin of the fire in which my books and papers were destroyed, together with the circumstances connected therewith, and that I adopt vigorous measures to replace the records, and that I apply to the assessor for copies of the assessment lists destroyed.

I have the honor to report in reply thereto that the fire originated in a small pro-

vision store, in the same block and two doors east of our office, by the explosion of a kerosene or coal-oil lamp. These buildings were all light frame buildings and very dry, the drought from which we are suffering having made them very easy to burn, and, from want of water, exceedingly hard to put out when once ignited. Our office was in a two-story frame building, the upper rooms of which were used as offices, the lower room as a store-room by a firm of merchants. The fire commenced about half-past eleven o'clock on the evening of the 6th instant, the flames spreading with such rapidity that few things were saved from any of these buildings near the one where the fire originated. I was not at home the night of the fire, having gone the same day to Jefferson City, but I believe every possible exertion was made to save all valuables in the building. My office was the back room up-stairs, and while a few things were saved below and in the front offices, little or nothing was saved from mine. These facts I give as I learn them from witnesses and know of the premises.

We were not careless in having our office in a place as liable to fire as this, because there are few houses in our city, on Main street particularly, that are not frame. A good office could not be procured except it were as much liable to fire as ours was. I have office in this same building since April, 1865, and felt little uneasiness from fire, to learn, alas, in the end, that our long immunity from danger did not protect us.

I am doing all that can be done to replace our records, having already obtained from the assessor his original assessment lists, and am now engaged in making copies of them, taking new bonds from distillers, brewers, and tobacconists.

We have lost our statement of account between ourselves and Treasury Department, and, though we can in a measure replace it, we would much like a copy of account from your records.

Very respectfully, your obedient servant,

JNO. MONTGOMERY.

Acting Collector.

Hon. THOMAS HARLAND,

Deputy Commissioner Internal Revenue.

From the facts stated in the foregoing letter, the committee are clearly of the opinion that Mr. CRITTENDEN was in no way to blame for the destruction of the assessment lists of uncollected taxes for his district, and that he ought not in any way to be held responsible therefor. Mr. CRITTENDEN was not in possession of the office of collector at the time it was destroyed by fire. He was not in receipt of any of its emoluments, and there is no equity in holding him responsible for losses over which he could have no possible control.

The law, as it applies to Mr. Crittenden's case, seems to hold him responsible long after his connection with the office ceased. It was impossible for him to relieve himself of that responsibility until his successor was appointed and qualified. That was postponed from April 20, 1867, when Mr. CRITTENDEN turned over the office to Mr. Montgomery, until January 19, 1868.

It is the opinion of the Department that Mr. CRITTENDEN and Mr. Montgomery were faithful officers; that, so far as they have been able to do so, they have made full and satisfactory settlement with the Department; that, in consequence of the losses of the assessment lists, it is impossible that they can complete their settlement. The bill under consideration is to authorize the proper accounting officers of the Treasury Department to allow a credit to Mr. CRITTENDEN of the amount with which he stands charged. The bill also provides that Mr. CRITTENDEN should receive credit for the sum of \$298.50, the amount paid by him to Assistant Assessor John B. Beidénlinden for services which were performed after he was commissioned and before he took the oath of office, because of which neglect the money actually paid him by Mr. CRITTENDEN could not be credited by the Department. This neglect to take the oath of office by Beidénlinden we suppose was a mere inadvertence; at all events, he seems to have performed the duties, and was paid therefor, and it would seem to be just that Mr. CRITTENDEN should be credited with the sum so paid. The committee recommend the passage of the bill.

There being no objection, the bill was laid aside, to be favorably reported to the House.

JOHN CLINTON.

The next bill on the Private Calendar was the bill (H. R. No. 2345) for the relief of John Clinton, postmaster at Brownsville, Tennessee.

The bill, which was read, provides that the proper accounting officer of the Treasury be, and he is thereby, directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$265.35 to John Clinton or his legal representative, the same to be in full of all claim for money stolen from the post-office at Brownsville, Tennessee, on the 1st day of November, 1870.

The report was read, as follows:

The memorialist was postmaster at Brownsville, Tennessee, on the 1st of November, 1870; he had securely deposited on that day, in the money-drawer of the post-office, (kept expressly for that purpose, and no other,) the sum of \$283.37 of money-order funds belonging to the United States Post-Office Department; that the said drawer and post-office were properly locked; but while said memorialist was absent at dinner the said post-office was burglariously entered, and said drawer opened by false keys, and said money stolen; that twenty dollars of it was recovered from the thief, but no more.

The said memorialist has paid said money to the United States Post-Office Department. Your committee find that he was not guilty of negligence in the loss of said money; and it being clearly shown in the amended petition that the memorialist fully intended to do what was his daily practice, i. e., send that same night by the mail to the post-office at Memphis the proceeds taken during the said day, but was prevented by the robbery taking place during his temporary absence to dinner, your committee recommend that the sum of \$265.37 be appropriated for the relief of said memorialist, and herewith report to that effect a substitute for the said bill.

There being no objection, the bill was laid aside, to be favorably reported to the House.

W. A. SAYLER.

The next bill on the Private Calendar was the bill (H. R. No. 2346) for the relief of W. A. Sayler, of Bryan, Texas.

The bill authorizes and directs the Secretary of the Treasury to refund the sum of \$1,871.53 to W. A. Sayler, of Bryan, Texas, for taxes illegally collected on certain parcels of cotton during the years 1867 and 1868; and appropriates the sum of \$1,871.53, out of any money in the Treasury not otherwise appropriated, for the purpose aforesaid.

No objection being made, the bill was laid aside, to be reported favorably to the House.

REV. GEORGE MORRISON.

The next bill on the Private Calendar was the bill (H. R. No. 2348) for the relief of Rev. George Morrison, late of Kentucky.

The bill authorizes and directs the Secretary of the Treasury to pay

to Rev. George Morrison, late of Kentucky, out of any money in the Treasury not otherwise appropriated, the sum of \$150, in full payment for one horse and equipments captured by the enemy during the late war, while in the service of the United States.

No objection being made, the bill was laid aside, to be reported favorably to the House.

BURKE & KUNKEL.

The next bill on the Private Calendar was the bill (H. R. No. 2349) for the relief of Burke & Kunkel.

The bill authorizes and directs the Secretary of the Treasury to pay to Burke & Kunkel, out of any money not otherwise appropriated, \$3,849, being amount of pig-iron taken by the agent of the Treasury Department by mistake as confederate property, July, 1865, and being the net proceeds, which was covered into the Treasury of the United States to the credit of the captured and abandoned property fund.

No objection being made, the bill was laid aside, to be reported favorably to the House.

LEMUEL C. RISLEY.

The next bill on the Private Calendar was the bill (H. R. No. 799) for the relief of Lemuel C. Risley, late a second lieutenant of the Eighty-fifth Regiment of Indiana Volunteers.

The bill authorizes and directs the Secretary of War to pay Lieutenant Lemuel C. Risley the full amount of pay and emoluments as a second lieutenant of the Eighty-fifth Regiment of Indiana Volunteers, from the 26th day of November, 1864, to the 31st day of January, 1865; provided that any sum of money which shall have been paid to the said Lemuel C. Risley as a non-commissioned officer or private for said period be deducted from said amount to be paid to him as second lieutenant.

Mr. BARBER. I would like to hear the report read.

The report was read, as follows:

The Committee on War Claims, to whom was referred House bill No. 799, for the relief of Lemuel C. Risley, late a second lieutenant of the Eighty-fifth Regiment of Indiana Volunteers, beg leave to report:

That it appears from the papers in the case that Lieutenant Risley was commissioned on the 21st day of September, 1864, second lieutenant in the Eighty-fifth Regiment of Indiana Volunteers, he being at the time sick in hospital (on sick leave) at Indianapolis, Indiana. On the 20th of November, 1864, he received his commission. He started to rejoin his regiment, then with General Sherman in Georgia, but on reaching Chattanooga he was stopped by order of General Cruft, then in command there. General Sherman having started on his march to the sea, and communication being cut off, it was impossible to reach his army by that route. Hood's army was then moving northward, threatening Nashville. General Cruft ordered all the unassigned soldiers and officers then at Chattanooga into battalions, and on the 26th day of November, 1864, he assigned Lieutenant Risley to the command of one of these battalions, and he continued in that command through all the battles that ensued near Franklin and Nashville, Tennessee, for several weeks, though he had not been mustered in. Finally, on the 31st day of January, 1865, he was mustered in as second lieutenant, under his said commission at Goldsborough, North Carolina. The committee find that from the 26th day of November, 1864, to the 31st day of January, 1865, Lieutenant Risley performed the duties of a second lieutenant, and should receive pay as such, deducting the sum paid him for that period as a non-commissioned officer or private soldier, and they accordingly recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside, to be reported favorably to the House.

ROSANNA QUINN.

The next bill on the Private Calendar was the bill (H. R. No. 393) granting a pension to Rosanna Quinn.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rosanna Quinn, mother of Francis P. Quinn, late sergeant-major of the Ninety-sixth Regiment Illinois Volunteers, and to pay her a pension from and after the passage of the act.

No objection being made, the bill was laid aside, to be reported favorably to the House.

E. CAROLINE WEBSTER.

The next bill on the Private Calendar was the bill (H. R. No. 1305) granting a pension to E. Caroline Webster, widow of Lucius H. Webster.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of E. Caroline Webster, widow of Lucius H. Webster, late a private in Company H, Seventh Regiment of Michigan Cavalry Volunteers, and pay her a pension from and after the passage of the act.

No objection being made, the bill was laid aside, to be reported favorably to the House.

HENRY B. HAVENS.

The next bill on the Private Calendar was the bill (H. R. No. 1907) granting a pension to Henry B. Havens, late a private of Company K, Twelfth Regiment Wisconsin Volunteers.

The bill directs the Secretary of the Interior to place on the pension-roll the name of Henry B. Havens, of Grant County, Wisconsin, late a private of Company K, Twelfth Regiment Wisconsin Volunteers, disabled while in service and line of duty, at the rate of eight dollars per month, subject to the limitations and restrictions provided by law.

There being no objection, the bill was laid aside, to be reported favorably to the House.

MARY A. LOWE.

The next bill on the Private Calendar was the bill (H. R. No. 1835) granting a pension to Mary A. Lowe.

The bill authorizes and directs the Secretary of the Interior to place upon the pension-roll, subject to the limitations of the pension laws, the name of Mary A. Lowe, widow of Charles Lowe, a private in the Mexican war, and pay her a pension at the rate of eight dollars per month from the passage of the act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

SUSAN BENNETT.

The next bill on the Private Calendar was the bill (H. R. No. 1414) granting a pension to Susan Bennett.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Susan Bennett, mother of Peter V. Bennett, late a private in Company I, One hundred and seventy-seventh Regiment New York Volunteers, and pay her a pension as mother of said soldier from the passage of the act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

JOHN B. MILLER.

The next bill on the Private Calendar was the bill (H. R. No. 2351) granting a pension to John B. Miller.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John B. Miller, who served in the war with Mexico, and pay him a pension from and after the passage of the act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

PETER J. CRATZER.

The next bill on the Private Calendar was the bill (H. R. No. 196) granting a pension to Peter J. Cratzer.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Peter J. Cratzer, late a private in Company K, One hundred and thirty-eighth Regiment Indiana Volunteers, and to pay him a pension from the passage of the act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

EZRA H. FOSTER.

The next bill on the Private Calendar was the bill (H. R. No. 1719) granting a pension to Ezra H. Foster.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ezra H. Foster, late private in Company I, First Wisconsin Cavalry, and in Thirteenth Wisconsin Battery.

There being no objection, the bill was laid aside, to be reported favorably to the House.

LEWIS HINELY.

The next bill on the Private Calendar was the bill (H. R. No. 2352) granting a pension to Lewis Hinely.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lewis Hinely, late of Company E, Twelfth Regiment Pennsylvania Cavalry, and pay him a pension from and after the passage of this act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

MAGDALENA DOCKS.

The next bill on the Private Calendar was the bill (H. R. No. 2116) for the relief of Magdalena Docks.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Magdalena Docks, widow of Francis Docks, late a private in Company A, Third Regiment Pennsylvania Cavalry.

There being no objection, the bill was laid aside, to be reported favorably to the House.

LUCY ANN CUMMINGS.

The next bill on the Private Calendar was the bill (H. R. No. 2353) granting a pension to Lucy Ann Cummings.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lucy Ann Cummings, mother of A. Boyd Cummings, late lieutenant commander United States Navy, and pay her a pension from and after the passage of this act.

Mr. RUSK. I move to amend the bill so as to provide that the pension of the mother shall take effect from the death of the widow.

The amendment was agreed to.

There being no objection, the bill, as amended, was laid aside, to be reported favorably to the House.

EMILY L. SLAUGHTER.

The next bill on the Private Calendar was the bill (H. R. No. 2354) granting a pension to Mrs. Emily L. Slaughter.

Mr. O'BRIEN. I reported that bill, and I ask that it be placed at the end of the Private Calendar.

The CHAIRMAN. The bill will be passed over.

ANN R. VOORHEES.

The next bill on the Private Calendar was the bill (H. R. No. 2355) granting a pension to Ann R. Voorhees.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Ann R. Voorhees, widow of Philip F. Voorhees, late captain in the United States Navy, and pay her a pension from and after the passage of the act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

LANDS IN MICHIGAN.

The next bill on the Private Calendar was the bill (H. R. No. 2539) relinquishing the right of the United States in certain lands in the State of Michigan.

The bill provides for the relinquishment of all rights and title of the United States to the middle ground or island in the Saginaw River, lying within the prescribed limits of fractional section 5, in township 13 north, of range 5 east, and sections 29 and 32, in township 14 north, of range 5 east, in the State of Michigan, to the riparian owners respectively of the lands on the shores of said river in front of or opposite to said island; provided that the act shall not be construed or held to imply a claim of title on the part of the United States to said middle ground, but only as a relinquishment of any apparent right therein to the persons respectively to whom the lands on said shores were patented, their heirs and assigns.

Mr. BARBER. I ask that that bill be passed over.

Mr. CLYMER. If the gentleman will hear the report read I am satisfied it will convince him that the bill ought to pass.

Mr. BARBER. I will hear the report.

The Clerk read the report, as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. No. 166) providing for the sale of an island, or middle ground, in the Saginaw River, in the State of Michigan, ask to report:

That they have had the same under consideration, and find the following to be the facts in the case: That the original survey of the lands and river does not show the island to have existed at that time. The lands were sold to individuals, according to the subdivisions as represented by said survey. Subsequent to said survey there has appeared the island as forming from the bed of the stream, leaving a channel on each side thereof, but much narrower than the original. The said island of late years has become of such size as to be of considerable importance and value, but only as the property in front thereof has increased; and the narrowness of the channels on each side of the island has detracted very much from the value of the property on the main shores, besides detracting largely from the capacity and facilities of doing the business on shores to which the same have been generally applied. It appears that the parties owning the shores opposite thereto, believing that, as a matter of right and equity, their rights, as riparian owners, extended to the center of the channel or bed of the stream from the meander lines of the river respectively, each took possession of so much of said island as lies in front of land owned by them to the center line of the island, and have continued to occupy the same, and have expended large amounts of money in making improvements thereon, in some cases amounting to thousands of dollars. The parties occupying and in possession of the respective portions of the island claimed by them believe that they were justified in such occupancy and improvement. The Committee on the Public Lands have submitted the question to the Commissioner of the General Land Office, and received the following communication in reply thereto:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 20, 1874.

SIR: I have the honor to return herewith the papers filed by you 7th instant respecting what is known as the "middle ground" in Saginaw River, Michigan, together with a copy of a letter to this office, dated 6th ultimo, from P. C. Andre, esq., of Saginaw.

This middle ground appears to have been, at the date of the public surveys, a part of the bed of the river covered by its waters. No public survey of it was attempted, and no island is reported in the stream at this point.

In March, 1856, a survey was made upon the ice by the county surveyor, who certifies that no survey could be accomplished in any other manner, the grounds being so constantly under water as to render it impracticable to make the attempt.

This survey was filed in this office, but was not considered as entitled to approval as a survey of public lands, and was not so approved.

Congress, however, on the 15th July, 1870, evidently without an examination of the questions involved, passed joint resolution No. 140, directing the issue of patent to Stephen Marston for a portion of said grounds described by metes and bounds, upon payment by him of the sum of \$100.

The Commissioner, my predecessor in office, for the purpose of carrying the law into effect, on the 10th August, 1870, indorsed on the said plat of survey his qualified approval, as *ex-officio* surveyor-general of Michigan, and subsequently issued the patent accordingly.

Understanding that you wish my opinion upon the question of the power of Congress to dispose of this ground as public land, I have examined the facts as above recited, and would state that I do not regard it as in any sense public land, the property of the United States, but consider it properly within the jurisdiction of the State of Michigan, and subject to her laws.

The rights of the owners of the shore having been also called to my attention, I will give you a few authorities, decisions of the Federal courts, which seem to have direct application to this case, and will indicate the United States law upon both points.

Rivers are deemed navigable waters of the United States when they are used or are suitable of being used, in their ordinary condition, as highways for commerce between the States. (The Daniel Ball, 10 Wallace, 557; The Montello, 11 Wallace, 411.)

Under the acts of Congress relating to the survey and sale of public lands bordering on rivers, the right of a grantee of lands bordering on a navigable river stops at the stream, and does not extend to the *medium filum*. But such riparian proprietors have the same rights to construct suitable landings and wharves for the convenience of commerce and navigation as riparian owners on navigable waters affected by the ebb and flow of the tide. (Railroad Company *vs.* Schurmeir, 7 Wallace 272.)

The owner of land bounded by a navigable river (whether his title extend to the middle of the stream or not) has a right of free access thereto, and of erecting a landing, wharf, or pier for his own use or that of the public. These rights are to be enjoyed subject to such general rules as the Legislature may prescribe for the protection of the public rights; they cannot be taken for public use except due compensation be made. (Yates *vs.* Milwaukee, 10 Wallace 497.)

At the revolution the people of each State, in their sovereign character, acquired

the absolute right to all navigable waters and the soil under them. (Martin *vs.* Wadell, 16 Peters, 307; Russell *vs.* Jersey Company, 15 Howard, 426.)

The shores of navigable rivers and the soil under them were not granted by the Constitution to the United States, but were reserved to the States respectively; and new States have the same rights, sovereignty, and jurisdiction over this subject as the original ones. (Pollard *vs.* Hagan, 3 Howard, 212; Pollard *vs.* Kibbe, 9 Howard, 471; Hallett *vs.* Beebe, 13 Howard, 25; Withers *vs.* Buckley, 20 Howard, 84.) The foregoing will be sufficient to show that, if this ground was of the bed of the stream on the admission of the State, she has sovereignty over it, and the laws for the disposal of the public domain can have no application to it subsequently.

Very respectfully,

WILLIS DRUMMOND,
Commissioner.

HON. HESTER CLYMER,
House of Representatives.

The committee also examined a brief submitted to them, which had been prepared upon the question by Hon. C. I. Walker, of Detroit, Michigan, and the cases and decisions referred to, and have prepared the accompanying bill, and recommend that it do pass.

There being no objection, the bill was laid aside, to be reported favorably to the House.

OFFICERS AND CREW OF UNITED STATES SHIPS.

The next bill on the Private Calendar was the bill (H. R. No. 782) for the relief of the officers and crew of the United States ship Wyoming and the Ta-Kiang.

Mr. WILLARD, of Vermont. That bill will give rise to some debate, and I object to it.

JOHN W. MASSEY.

The next bill on the Private Calendar was the bill (H. R. No. 2552) for the relief of John W. Massey, late consul at Paso del Norte, Mexico.

The bill directs the Secretary of the Treasury to pay to John W. Massey, late consul to Paso del Norte, Mexico, the sum of \$400, being the sum expended by him in 1862 in the endeavor to reach his post of duty.

Mr. MYERS. I ask that that bill be laid aside, to be reported to the House.

There being no objection, the bill was laid aside, to be reported favorably to the House.

MARTIN LAFFIN.

The next bill on the Private Calendar was the bill (H. R. No. 1145) granting a pension to Martin Laffin.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martin Laffin, late a private in Company B, Ninetieth Regiment Illinois Volunteers, and to pay him a pension from and after the passage of this act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

ISAAC STEVENS.

The next bill on the Private Calendar was the bill (H. R. No. 1673) granting a pension to Isaac Stevens.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll the name of Isaac Stevens, late a private in Company D, Thirty-seventh Regiment Indiana Volunteers, subject to the provisions and limitations of the pension laws, and pay him a pension of eight dollars per month from and after the passage of this act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

JOHN FOLGER.

The next bill on the Private Calendar was the bill (H. R. No. 1439) granting a pension to John Folger.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Folger, late a private in Company K, One hundred and twenty-second Ohio Volunteers, and to pay him a pension from and after the passage of this act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

WILLIAM J. UHLER.

The next bill on the Private Calendar was the bill (H. R. No. 2668) granting a pension to William J. Uhler.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William J. Uhler, minor child of Nelson M. Uhler, late a private in Company B, Twenty-first Regiment Ohio Volunteers, and to pay him a pension from and after the passage of this act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

LUCINDA JONES.

The next bill on the Private Calendar was the bill (H. R. No. 1843) granting a pension to Lucinda Jones, widow of Thompson M. Jones, late a private of Company G, Twenty-second Regiment Illinois Volunteers.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lucinda Jones, widow of Thompson M. Jones, late a private of Company G, Twenty-second Regiment Illinois Volunteers, at the

rate of eight dollars per month, and two dollars per month for each child by said soldier until arriving at the age of sixteen years.

There being no objection, the bill was laid aside, to be reported favorably to the House.

JENNET H. NISBET.

The next bill on the Private Calendar was the bill (H. R. No. 2181) granting a pension to Jennet H. Nisbet.

The bill directs the Secretary of the Interior to place on the pension-roll the name of Jennet H. Nisbet, mother of Thomas Nisbet, late a drummer in the Forty-fourth Regiment Ohio Volunteer Infantry, subject to the provisions and limitations of the pension laws.

There being no objection, the bill was laid aside, to be reported favorably to the House.

DEBORAH A. SWAN.

The next bill on the Private Calendar was the bill (H. R. No. 2669) granting a pension to Deborah A. Swan.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Deborah A. Swan, widow of Levi Swan, late a private in Company D, Fifty-eighth Regiment Illinois Volunteer Infantry.

There being no objection, the bill was laid aside, to be reported favorably to the House.

MARY S. HOWE.

The next bill on the Private Calendar was the bill (H. R. No. 2670) granting a pension to Mary S. Howe.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary S. Howe, widow of David Howe, late special agent of the provost marshal's office for the fourth district of Massachusetts, and pay her a pension at the rate of eight dollars per month, to commence from the passage of this act.

No objection being made, the bill was laid aside, to be reported favorably to the House.

GENERAL A. C. VORIS.

The next bill on the Private Calendar was the bill (H. R. No. 2671) granting a pension to General A. C. Voris.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of General A. C. Voris, late colonel of the Sixty-seventh Regiment of Ohio Volunteers, and pay him a pension at the rate of thirty dollars a month, the same to commence from the date of his discharge from the service of the United States.

MARY A. S. LOOMIS.

The next bill on the Private Calendar was the bill (H. R. No. 2672) granting a pension to Mary A. S. Loomis.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary A. S. Loomis, widow of Colonel Gustavus Loomis, late of the United States Army, and pay her a pension at the rate of thirty dollars a month, the same to commence from the passage of the act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

HANNAH B. EATON.

The next bill on the Private Calendar was the bill (H. R. No. 2673) to restore the name of Hannah B. Eaton, of Kingsville, Ohio, to the pension-roll.

The bill directs the Secretary of the Interior to restore to the pension-roll the name of Hannah B. Eaton, with pension at the same rate previously paid to her, and to date from the 4th day of December, 1872, the day on which her name was dropped from the pension-roll.

There being no objection, the bill was laid aside, to be reported favorably to the House.

JOHN W. WRIGHT.

The next bill on the Private Calendar was the bill (H. R. No. 2674) granting a pension to John W. Wright, now at the National Military Asylum near Dayton, Ohio.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John W. Wright, late a private in Company E, Seventeenth Kentucky Infantry Volunteers, and that he be paid a pension from and after the passage of the act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

DENNIS McCARTHY.

The next bill on the Private Calendar was the bill (H. R. No. 1866) granting a pension to Dennis McCarthy, a soldier of the Mexican war.

The bill authorizes the Secretary of the Interior to place the name of Dennis McCarthy, Company D, Captain William M. Robinson, First Regiment Virginia Volunteers, upon the pension-roll; and that he be entitled to draw a pension of eight dollars per month from the date of his discharge.

Mr. WALLACE. I move to amend this bill so that the pension will take effect from the date of its passage.

The amendment was agreed to; and the bill was laid aside, to be reported to the House.

ROSALIE C. P. LISLE.

The next bill on the Private Calendar was the bill (H. R. No. 580) granting a pension to Rosalie C. P. Lisle.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rosalie C. P. Lisle, mother of Joseph T. Lisle, late an assistant paymaster in the Navy, and pay her a pension, commencing September 26, 1863.

Mr. WALLACE. I move to amend this bill so that the pension will take effect from the date of its passage.

The amendment was agreed to; and the bill was laid aside, to be reported favorably to the House.

MRS. ELIZABETH J. KING.

The next bill on the Private Calendar was the bill (H. R. No. 2675) granting a pension to Mrs. Elizabeth J. King.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Elizabeth J. King, widow of Herbert King, late captain of Company F, Third Regiment Kentucky Infantry Volunteers, and pay her a pension from and after the passage of the act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

THOMAS M'KINSTER.

The next bill on the Private Calendar was the bill (H. R. No. 2676) granting a pension to Thomas McKinster.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas McKinster, late captain of Company D, Fourteenth Regiment of Kentucky Volunteers, and pay him a pension from and after the passage of the act.

No objection was made, and the bill was laid aside, to be reported favorably to the House.

ANGELICA HAMMOND.

The next bill on the Private Calendar was the bill (H. R. No. 1799) granting a pension to Angelica Hammond.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Angelica Hammond, widow of William Z. Hammond, late a private in Company E, First Maryland Cavalry Volunteers, to take effect from the passage of the act.

No objection being made, the bill was laid aside, to be reported favorably to the House.

GUADALOUPE TORRES.

The next bill on the Private Calendar was the bill (H. R. No. 1335) granting a pension to Guadalupe Torres.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Guadalupe Torres, at the rate of eight dollars per month, from the date of the passage of the act.

No objection being made, the bill was laid aside, to be reported favorably to the House.

ELIZABETH M'CLUNEY.

The next bill on the Private Calendar was the bill (H. R. No. 2119) for the relief of Elizabeth McCluney.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, pursuant to the provisions of law in force prior to the act of July 14, 1862, and at the pension rate of fifty dollars per month, the name of Elizabeth McCluney, widow of Commodore William J. McCluney, late of the United States Navy.

Mr. FORT. I dislike to object to any bill reported by the Committee on Invalid Pensions; but as this bill raises a question—

The CHAIRMAN. No debate is in order.

Mr. FORT. Is there a report?

Mr. O'BRIEN. There is. Let the report be read.

Mr. FORT. I think the bill had better go over till some other day. I object to it.

MRS. MARY G. HARRIS.

The next bill on the Private Calendar was the bill (H. R. No. 2677) granting a pension to Mrs. Mary G. Harris, widow of John Harris, late commandant of the United States Marine Corps.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary G. Harris, widow of John Harris, late commandant of the United States Marine Corps, and pay her a pension at the rate of fifty dollars a month from and after the passage of the act.

Mr. FORT. I object to this bill for the same reason that I objected to the last. If the Marine Corps are to be allowed a higher rate of pension—

The CHAIRMAN. No debate is in order.

CHARLES HERBERT.

The next bill on the Private Calendar was the bill (H. R. No. 2678) granting a pension to Charles Herbert.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles Herbert, late a private in Company C, Sixty-ninth Regiment New York Volunteers, and pay him a pen-

sion at the rate of twenty-four dollars a month from and after the passage of the act.

No objection being made, the bill was laid aside, to be reported favorably to the House.

GEORGE DAYSPRING.

The next bill on the Private Calendar was the bill (H. R. No. 2679) granting a pension to George Dayspring.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George Dayspring, late a private in Company H, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of fifteen dollars a month from and after the passage of the act.

No objection being made, the bill was laid aside, to be reported favorably to the House.

MRS. JANE DULANEY.

The next bill on the Private Calendar was the bill (H. R. No. 2680) granting a pension to Mrs. Jane Dulaney.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Jane Dulaney, widow of William Dulaney, late colonel United States Marine Corps, and pay her a pension from and after the passage of the act.

No objection being made, the bill was laid aside, to be reported favorably to the House.

MRS. MARY E. MURPHY.

The next bill on the Private Calendar was the bill (H. R. No. 870) to place the name of Mrs. Mary E. Murphy on the pension-roll.

The bill was read. It directs the Secretary of the Interior to place the name of Mrs. Mary E. Murphy, of New York, on the pension-roll at the rate of fifteen dollars per month, commencing on the 1st day of October, 1861, as the widow of Richard J. Murphy, subject to the limitations and provisions of the pension laws.

Mr. HOLMAN. Is there a report in this case?

THE CHAIRMAN. The report has not been printed.

Mr. HOLMAN. Then I hope some gentleman will explain the bill.

THE CHAIRMAN. No debate is in order.

Mr. HOLMAN. I hope there will be no objection to a word of explanation, as there is no printed report. The bill proposes to date the pension back contrary to the general practice of the House.

THE CHAIRMAN. No debate can be allowed. Does the gentleman object to the bill?

Mr. HOLMAN. No, sir.

There being no objection, the bill was laid aside, to be reported favorably to the House.

MARTHA A. ASHBURN.

The next bill on the Private Calendar was the bill (H. R. No. 2682) for the relief of Martha A. Ashburn, widow of George W. Ashburn, deceased.

The bill was read. It directs the Secretary of the Treasury to pay out of any money in the Treasury not otherwise appropriated, to Martha A. Ashburn, widow of George W. Ashburn, deceased, the sum of \$3,838.37, in full payment and satisfaction of the claim of said George W. Ashburn against the United States.

No objection being made, the bill was laid aside, to be reported favorably to the House.

D. B. ALLEN & CO.

The next bill on the Private Calendar was the bill (S. No. 439) to provide for the payment of D. B. Allen & Co. for services in carrying the United States mails.

The bill was read.

Mr. RANDALL. I object to this bill; and I give notice that in connection with it I shall ask that the letter of the Postmaster-General be produced.

JOSEPH S. READ.

The next bill on the Private Calendar was the bill (H. R. No. 2453) for the relief of Joseph S. Read.

The bill was read.

Mr. HOLMAN. I call for the reading of the report.

Mr. RANDALL. Then I object to the bill to save time. I move that the committee rise. I wish to state that if we adjourn now we will have an objection day to-morrow for private bills.

The House divided; and there were—ayes 30, noes 60.

So the committee refused to rise.

PETERS & REED.

The next business on the Private Calendar was the bill (H. R. No. 565) for the relief of Peters & Reed, naval contractors at the Norfolk navy-yard in the year 1860.

Mr. RANDALL. I object.

J. L. TEDROW.

The next business on the Private Calendar was the bill (H. R. No. 955) for the relief of J. L. Tedrow, of Clarke County, Iowa.

Mr. RANDALL. I object to that bill.

Mr. KASSON. I hope the gentleman from Pennsylvania will withdraw his objection to this bill. It is only a matter of thirty-four dollars, and the proof is conclusive.

Mr. RANDALL. I do not withdraw it.

EVENING SESSION.

Mr. MAYNARD. If any gentlemen desire to speak to-night on the currency bill and will send their names to the Speaker's table, and it shall appear they are sufficient in number to have an evening session, I now give notice that I will ask for an evening session when we go into the House.

DUNCAN MARR.

The next business on the Private Calendar was the bill (H. R. No. 2683) for the relief of Duncan Marr, a loyal citizen of Montgomery County, Tennessee.

Mr. RANDALL. I object.

Mr. ATKINS. I hope the gentleman from Pennsylvania will withdraw his objection.

Mr. RANDALL. I do withdraw the objection, and ask that the bill be read.

The bill was read.

Mr. BARBER. I object to that bill.

Mr. HAWLEY, of Illinois, moved that the committee rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. McNulta reported that the Committee of the Whole House had the Private Calendar under consideration, and had directed him to report sundry bills, some with and some without amendments.

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

The motion was disagreed to.

PRIVATE LAND CLAIMS.

THE SPEAKER. The Clerk will report the bills in their order. A bill (H. R. No. 719) to authorize the issue of patents to lands in cases of private land claims.

Mr. G. F. HOAR. That bill was passed in the committee without objection and without explanation. It seems to me to be an important bill.

Mr. RANDALL. It is an important bill, and should be referred to the Committee on the Judiciary.

Mr. G. F. HOAR. I move that it be referred to the Committee on the Judiciary, and on that motion demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was referred to the Committee on the Judiciary.

Mr. G. F. HOAR moved to reconsider the vote by which the bill was referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEMUEL C. RISLEY.

THE SPEAKER. The bill (H. R. No. 799) for the relief of Lemuel C. Risley, late a second lieutenant in the Eighty-fifth Regiment of Indiana Volunteers, has been reported from the Committee of the Whole House with the recommendation that it do pass.

Mr. HOLMAN. I ask that the bill be laid upon the table, with leave, by unanimous consent, to take it up for action hereafter; and I do so because we have not yet secured some testimony which has been sent to the War Department.

There was no objection, and it was ordered accordingly.

BILLS PASSED.

The following bills, reported from the Committee of the Whole House favorably, were then severally passed:

A bill (H. R. No. 2205) for the relief of P. Hornbeck;

A bill (H. R. No. 420) to authorize the Secretary of the Interior to discharge certain obligations of the United States to the creditors of the Upper and Lower bands of Sioux Indians;

A bill (S. No. 204) for the relief of Robert Bent and Jack Smith;

A bill (H. R. No. 2207) for the relief of James M. True, late colonel of the Sixty-second Illinois Volunteer Infantry;

A bill (H. R. No. 2131) to authorize a promotion in the Inspector-General's Department;

A bill (H. R. No. 551) granting a pension to Alfred Bolder;

A bill (H. R. No. 1791) granting a pension to Augustus L. Yaeger;

A bill (H. R. No. 60) granting a pension to Josiah Brinard;

A bill (H. R. No. 2214) granting a pension to Ann Humphreys;

A bill (S. No. 317) for the relief of Henry C. Smith, of Indianapolis, Indiana;

A bill (H. R. No. 20) granting a pension to Almon Graves;

A bill (H. R. No. 2215) granting a pension to Elizabeth Brady;

A bill (H. R. No. 1832) granting a pension to Elizabeth Hackleman;

A bill (H. R. No. 2216) granting a pension to Cornelia A. Washburn;

A bill (H. R. No. 2217) granting a pension to Henry Bruckner, private Company F, Fifty-eighth Regiment Illinois Volunteers;

A bill (H. R. No. 2218) granting a pension to Sarah Summerville;

A bill (H. R. No. 2219) granting a pension to Patrick Hickey;

A bill (H. R. No. 2220) granting a pension to Andrew J. Baldwin;

A bill (H. R. No. 2221) granting a pension to Mary B. Triplett, guardian of the minor heirs of John A. Tomlinson;

A bill (H. R. No. 366) granting a pension to Hugh Wallace;

A bill (H. R. No. 2223) for the relief of Robert F. Winslow;

A bill (H. R. No. 2270) making an appropriation to pay Emanuel

Small and James Tate, of Atchison County, Missouri, for carrying the mails;

A bill (S. No. 366) for the relief of Oliver Powers;

A bill (S. No. 310) for the relief of W. W. Elliott;

A bill (H. R. No. 1297) for the relief of Thomas T. Crittenden, of Missouri;

A bill (H. R. No. 2345) for the relief of John Clinton, postmaster at Brownsville, Tennessee;

A bill (H. R. No. 2346) for the relief of W. A. Sayler, of Bryan, Texas;

A bill (H. R. No. 2348) for the relief of Rev. George Morrison, late of Kentucky;

A bill (H. R. No. 2349) for the relief of Burke & Kunkel;

A bill (H. R. No. 393) granting a pension to Rosanna Quinn;

A bill (H. R. No. 1305) granting a pension to E. Caroline Webster, widow of Lucius H. Webster;

A bill (H. R. No. 1907) granting a pension to Henry B. Havens, late a private of Company K, Twelfth Regiment Wisconsin Volunteers;

A bill (H. R. No. 1835) granting a pension to Mary A. Lowe;

A bill (H. R. No. 1414) granting a pension to Susan Bennett;

A bill (H. R. No. 2351) granting a pension to John B. Miller;

A bill (H. R. No. 196) granting a pension to Peter J. Cratzer;

A bill (H. R. No. 1719) granting a pension to Ezra H. Foster;

A bill (H. R. No. 2352) granting a pension to Lewis Hinely;

A bill (H. R. No. 2116) for the relief of Magdalena Docks;

A bill (H. R. No. 2353) granting a pension to Lucy Ann Cummings;

A bill (H. R. No. 2355) granting a pension to Ann R. Voorhees;

A bill (H. R. No. 2552) for the relief of John W. Massey, late consul at Paso del Norte, Mexico;

A bill (H. R. No. 1145) granting a pension to Martin Laffin;

A bill (H. R. No. 1673) granting a pension to Isaac Stevens;

A bill (H. R. No. 1439) granting a pension to John Folger;

A bill (H. R. No. 2668) granting a pension to William J. Uhler, minor child of Nelson M. Uhler, late a private in Company B, Twenty-first Ohio Volunteers;

A bill (H. R. No. 1843) granting a pension to Lucinda Jones, widow of Thompson M. Jones, late a private in Company G, Twenty-second Illinois Volunteers;

A bill (H. R. No. 2181) granting a pension to Jennet H. Nisbet;

A bill (H. R. No. 2969) granting a pension to Deborah A. Swan, widow of Levi Swan, late a private in Company D, Fifty-eighth Illinois Volunteers;

A bill (H. R. No. 2670) granting a pension to Mary S. Howe, widow of David Howe, late special agent of the provost-marshall's office of the district of Massachusetts;

A bill (H. R. No. 2672) granting a pension to Mary S. Loomis, widow of Colonel Gustavus Loomis, late of the United States Army;

A bill (H. R. No. 2673) to restore the name of Hannah B. Eaton, of Kingsville, Ohio, to the pension-roll;

A bill (H. R. No. 2674) granting a pension to John W. Wright, now at the National Military Asylum, near Dayton, Ohio;

A bill (H. R. No. 1866) granting a pension to Dennis McCarthy, a soldier of the Mexican war;

A bill (H. R. No. 580) granting a pension to Rosalie C. P. Lisle.

A bill (H. R. No. 2675) granting a pension to Mrs. Elizabeth J. King;

A bill (H. R. No. 2676) granting a pension to Thomas McKinster;

A bill (H. R. No. 1799) granting a pension to Angelica Hammond;

A bill (H. R. No. 1335) granting a pension to Guadalupe Torres;

A bill (H. R. No. 2678) granting a pension to Charles Herbert;

A bill (H. R. No. 2679) granting a pension to George Dayspring;

A bill (H. R. No. 2680) granting a pension to Mrs. Jane Dulaney;

A bill (H. R. No. 870) to place the name of Mary E. Murphy on the pension-roll; and

A bill (H. R. No. 2682) for the relief of Martha A. Ashburn, widow of George W. Ashburn.

RELINQUISHMENT OF UNITED STATES RIGHTS IN CERTAIN LANDS.

The bill (H. R. No. 2539) relinquishing the rights of the United States in certain lands in the State of Michigan was reported by the Committee of the Whole on the Private Calendar, with the recommendation that it do pass.

Mr. RANDALL. I object to the passage of that bill, and ask that it be read.

The bill was read.

Mr. CLYMER. After very careful and long consideration the Committee on the Public Lands, by a unanimous vote, directed this bill to be reported by myself, and I think that when my colleague [Mr. RANDALL] understands the nature of it he will withdraw his objection. This little island is in reality a sand-bar, formed near the mouth of the Saginaw River. At the time the lands were surveyed in the neighborhood, it was not in existence. It is not marked upon any of the maps of the Department. It has risen since. Sir, it is so nearly a sand-bar even now, that only at low-water is there any land appearing above the surface of the stream. The object of this bill is to give to the riparian owners on either side the right to this sand-bar according to a line drawn through it, to which consent shall be given. On the main shore there are valuable improvements in the shape of saw-mills. The owners on either shore have gone on this sand-bar, and have, by means of wharfage put up at their own expense, effected large improvements on this sand-bar.

The committee, to see that the United States was not damaged by

this bill, inquired of the Commissioner of the General Land Office as to any title the United States might be presumed to have in this sand-bar. He has answered that the Government cannot by any possibility have any title thereto, as at the time the surveys were made it did not exist. The island has appeared since.

Mr. RANDALL. If the United States owns no title it has none to relinquish.

Mr. CLYMER. I would say in reply to my colleague that this is done to quiet title. I trust that the House, understanding the matter, will pass the bill.

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

GENERAL A. C. VORIS.

The bill (H. R. No. 2671) granting a pension to General A. C. Voris, late colonel of the Sixty-seventh Ohio Volunteers, was reported by the Committee of the Whole on the Private Calendar with the recommendation that it do pass.

Mr. HOLMAN. I ask that the bill may be read.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of General A. C. Voris, late colonel of the Sixty-seventh Regiment Ohio Volunteers, and pay him a pension at the rate of thirty dollars a month, the same to commence from the date of his discharge from the service of the United States.

Mr. HOLMAN. The bill provides that the pension shall commence "from the date of his discharge." I ask that the report may be read in order that it may be seen whether the bill ought not to be amended.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the petition of General A. C. Voris, late colonel of the Sixty-seventh Regiment Ohio Volunteers, beg leave to report:

That General A. C. Voris entered the service in January, 1862, as lieutenant-colonel of the Sixty-seventh Regiment Ohio Volunteer Infantry; received promotion for gallant and distinguished service until he reached the rank of brevet major-general. He was severely wounded on the 18th day of July, 1863, in an assault on Fort Wagner, South Carolina, by a gun-shot wound in the abdomen. The ball struck his sword-belt ring and divided into unequal parts, the smaller part lodging in the muscles that support the abdomen, the larger portion passing downward and backward, and lodging in the upper surface of the bladder, where it remained until about the 1st of November, 1872, when it broke through the walls of the bladder, and there remained until removed by surgical operation, on the 24th day of November, 1873.

General Voris states that he was entirely deceived by finding the smaller piece of lead shortly after he was hurt, and did not know from what cause he was suffering until the bullet was found in his bladder. General Voris states that he has suffered great pain at times from the date of his wound up to the operation, and supposed he was suffering from paralytic rheumatism; further states that he has expended at least \$500 for medical services, and asks that he be granted a pension; that he has never applied for a pension, for the reason that he could not determine his disease and did not know that he was so clearly entitled until after the surgical operation.

Dr. Thomas McElroy, of Acton, Ohio, United States pension surgeon, states that he has attended General Voris for some months, and assisted in the operation for stone in the bladder. He fully corroborates the statements of General Voris. His affidavit is herewith filed and made part of this report.

In view of all the facts in the case, the distinguished services of General Voris, his great suffering from the wound received in the service and in the line of duty, your committee report favorably, and recommend the passage of a special act granting a pension at the rate of thirty dollars per month, same to commence from the date of the discharge of General Voris from the service of the United States.

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

RECONSIDERATION.

Mr. RANDALL moved to reconsider the several votes by which the bills reported from the Committee of the Whole on the Private Calendar were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

APPROVAL OF BILLS AND JOINT RESOLUTIONS.

A message from the President was communicated to the House by Mr. BABCOCK, his Private Secretary, informing the House that the President had approved and signed bills and joint resolutions of the following titles:

An act (H. R. No. 215) to exempt George M. Richard, of Pittston, in the State of Pennsylvania, from the payment of \$881.29 for postage-stamps stolen from his office while postmaster;

An act (H. R. No. 476) to establish bonded warehouses for the storing and cleaning of rice intended for exportation;

An act (H. R. No. 485) to authorize the Secretary of the Treasury to issue an American register to the schooner Carrie, of Eastport, Maine;

An act (H. R. No. 1037) making appropriations for the construction, preservation, and repair of certain fortifications and other works of defense for the fiscal year ending June 30, 1875;

An act (H. R. No. 1213) for the relief of Willard Howe, of Massachusetts;

An act (H. R. No. 1221) for the relief of L. S. Campbell;

An act (H. R. No. 1575) for the relief of Reuel B. Fuller, of Wilton, Maine;

An act (H. R. No. 1756) to amend the act entitled "An act to withdraw from settlement and sale a certain section of land in Wyoming Territory," approved May 23, 1872;

An act (H. R. No. 1954) granting a pension to Henry B. Ryder;

An act (H. R. No. 2225) to amend the act entitled "An act to pre-

vent the extermination of fur-bearing animals in Alaska," approved July 1, 1870.

An act (H. R. No. 2422) to approve an act of the Legislative Assembly of the District of Columbia, relating to parishes of the Protestant Episcopal Church;

An act (H. R. No. 2451) to improve the mouth of the Mississippi River;

An act (H. R. No. 2547) to relieve from political disabilities Thomas Hardeman, Jr., of Georgia;

An act (H. R. No. 2651) reappropriating certain unexpended balances of appropriations for removal of Indians;

A joint resolution (H. R. No. 29) authorizing the Secretary of War to detail a medical officer of the Army to inquire into and report upon the causes of epidemic cholera; and

A joint resolution (H. R. No. 52) explanatory of resolution approved January 31, 1868, entitled "A resolution limiting contracts for stationery and other supplies in the Executive Departments to one year."

HOMES FOR DISABLED VOLUNTEER SOLDIERS.

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

Resolved, That the Committee on Invalid Pensions be instructed to inquire whether the system adopted by the board of managers of the national military homes for disabled volunteer soldiers of deducting any fines and forfeitures imposed upon any of the beneficiaries of the institution for alleged breaches of discipline are in accordance with the spirit and meaning of the pension laws, and whether any such fines can legally be deducted from the monthly pay of the said volunteers, and report by bill or otherwise.

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

The latter motion was agreed to.

WITHDRAWAL OF PAPERS.

Mr. DURHAM. With the assent of the Committee on Invalid Pensions, I ask leave to withdraw the bill and accompanying papers in the case of Oliver Marcum, of Russell County, Kentucky, for an increase of pension.

The SPEAKER. Is there an adverse report in the case?

Mr. DURHAM. There is not; the bill is before the Committee on Invalid Pensions.

The SPEAKER. It is not necessary for the gentleman to withdraw the bill. If there be no objection leave will be granted for the withdrawal of the papers. The Chair hears none.

LEAVES OF ABSENCE.

Mr. PRATT was granted leave of absence until the 8th of April.

Mr. TAYLOR was granted leave of absence for ten days.

Mr. SHOEMAKER, of Pennsylvania, was granted leave of absence for one week.

Mr. PARKER, of Missouri. I move that the House do now adjourn. The motion was agreed to; and accordingly (at four o'clock and thirty-five minutes p. m) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BUTLER, of Tennessee: Papers relating to the claim of Thomas Hord, to the Committee on War Claims.

By Mr. CLEMENTS: The petition of Marmaduke F. Smith, late captain Company E, Eighty-seventh Illinois Volunteers, for a pension, to the Committee on Invalid Pensions.

By Mr. GUNCKEL: The petition of Morgan Ashford, for a pension, to the Committee on Invalid Pensions.

By Mr. HUNTON: The petition of Philip H. Hoof, to be compensated for supplies furnished to the United States Army during the late war, to the Committee on War Claims.

By Mr. KELLEY: The petition of Charles T. Parry and 32 others, of Philadelphia, for the repeal of the second section of the act of Congress of June 6, 1872 which made a reduction of 10 per cent. in certain duties, and in opposition to the imposition of a tariff duty on tea and coffee, and any increase in internal taxes, to the Committee on Ways and Means.

Also, the petition of 47 citizens of Philadelphia, of similar import, to the Committee on Ways and Means.

By Mr. PENDLETON: The memorial of the Rhode Island Medical Association, in favor of the passage of the bill to increase the efficiency of the Medical Department of the Army, to the Committee on Military Affairs.

By Mr. RANDALL: The petition of Anthony A. Laws, late of Company D, Second Pennsylvania Reserves, for increase of pension, to the Committee on Invalid Pensions.

By Mr. ROSS: The petition of Jason Bolton and others, of Liberty, Tioga County, Pennsylvania, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. SPRAGUE: The petition of E. H. Moore and others, of Athens, Ohio, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. VANCE: The petition of T. W. Vest and others, for a mail-route from T. W. Vest's, in Cherokee County, North Carolina, to Ducktown, Tennessee, to the Committee on the Post-Office and Post-Roads.

HOUSE OF REPRESENTATIVES.

SATURDAY, April 4, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

ENROLLING AND LICENSING OF VESSELS.

Mr. NEGLEY. I am directed by the Committee on Commerce to ask unanimous consent to report for action at this time the bill (H. R. No. 2549) to amend the act entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting-trade and fisheries, and for regulating the same," passed February 18, 1793.

The bill was read. It provides that the act to which it is a supplement shall not be so construed as to extend the provisions of the said act to canal-boats or boats employed on the internal waters or canals of any State; and that all such boats, excepting only such as are provided with sails or propelling machinery of their own adapted to lake or coastwise navigation, and excepting such as are employed in trade with the Canadas, shall be exempt from the provisions of the said act and from the payment of all customs and other fees under any act of Congress.

Mr. NEGLEY. If any gentleman desires information in regard to this bill, I will have read a letter from the Secretary of the Treasury on the subject. I will add that the bill has been very carefully considered by the Committee on Commerce, and has the unanimous approval of that committee.

Mr. CONGER. I wish to hear the clause read again in relation to Canada.

The bill was again read.

Mr. CONGER. I have no objection to that.

Mr. HALE, of New York. I wish to ask if this bill has been considered by the Committee on Commerce and is unanimously reported by them?

Mr. NEGLEY. It is the unanimous report of the committee, and it is also recommended by the Secretary of the Treasury.

Mr. SCHUMAKER, of New York. I do not wish to oppose this bill, but there have been various remonstrances sent here by the Chamber of Commerce of New York and by the pilot commissioners, and I would ask if the committee have considered their statements and arguments against the bill?

Mr. NEGLEY. This bill only relates to canal-boats and boats employed on internal waters.

Mr. PARSONS. This bill does not relate to the point to which the gentleman refers.

No objection being made, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. NEGLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDIAN CONTRACTS.

Mr. ADAMS. I ask unanimous consent to offer the following resolution:

Resolved, That the resolution passed by this House on the 10th day of March last directing the Committee on Indian Affairs to investigate the matter of contracts for Indian supplies and transportation for the fiscal years ending June 30, 1873, and June 30, 1874, be so amended and enlarged as to require said committee to make a thorough investigation into all frauds, unfairness, or irregularity, if any, connected with the administration of Indian affairs for the years named, and that said committee make report thereon as required by the resolution aforesaid.

Mr. AVERILL. I would ask the gentleman if he desires to introduce that resolution for reference or for adoption?

Mr. ADAMS. I ask unanimous consent to have the resolution adopted.

Mr. AVERILL. As the Committee on Indian Affairs has been considering a resolution similar in character to this, I must object unless the resolution be referred to that committee. I have no objection to its reference.

Mr. ADAMS. I would remind the gentleman that yesterday in conversation with him and with the gentleman from Massachusetts, [Mr. HARRIS,] another member of the committee, they suggested that I had better introduce the resolution on my own account.

Mr. AVERILL. That was an individual conversation, and was not known to the committee.

There being no objection, the resolution was received, and referred to the Committee on Indian Affairs.

SUSPENSION OF OFFICERS IMPEACHED.

Mr. BUTLER, of Massachusetts. I ask unanimous consent to report from the Committee on the Judiciary a bill to prevent mal-administration in the civil service of the United States by its officers against whom articles of impeachment have been presented. I desire its consideration at this time. It has been unanimously agreed to by the committee.

The SPEAKER. The bill will be read for information.

The bill provides that whoever, being a civil officer of the United States, except the President and Vice-President of the United States, shall be impeached for high crimes and misdemeanors by the House