Norfolk, Virginia, for the payment of the French spoliation claims, to the Committee on Foreign Affairs.

Also, the memorial of the College of William and Mary, in Virginia, for aid in restoration of its losses in 1776 and during the late civil war, to the Committee on Education and Labor.

Also, the petition of Daniel Maloney, of Norfolk, Virginia, for relief, to the Committee on Claims.

By Mr. RAINEY: The petition of Charles Anna, for a pension, to the Committee on Invalid Pensions.

By Mr. RAPIER: A paper relating to the establishment of a post-route in Alabama, to the Committee on the Post-Office and Post-Roads.

By Mr. RICHMOND: The petition of L. S. Beers and others, of Wheatland, Pennsylvania, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. ROBBINS: The petition of citizens of North Carolina, for a post-route from Statesville to Eupeptic Springs, with a post-office at the latter place, to the Committee on the Post-Office and Post-Roads.

By Mr. SAYLER, of Ohio: The petition of William R. Brown, of Metropolis, Illinois, for relief, to the Committee on Claims.

By Mr. WHEELER: Numerous petitions of citizens of the State of New York, for the substitution of specific for *ad valorem* duties on tin plates, to the Committee on Ways and Means.

By Mr. WHITELEY: The petition of Alvin D. Gale, of Georgia, to be compensated for three thousand pounds of sugar taken for the use of the United States Army, to the Committee on War Claims.

Also, the memorial of the Medical Association of Georgia, in relation to the Army Medical Corps, to the Committee on Military Affairs.

By Mr. WILSON, of Indiana: The petition of citizens of Indiana, in relation to the prepayment of postage on newspapers, periodicals, &c., to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of New York, Boston, and elsewhere, for the substitution of specific for *ad valorem* duties on tin plates, to the Committee on Ways and Means.

By Mr. WOODFORD: The petition of David E. Carpenter, late lieutenant Company D, First New York Volunteers, to be placed on the pension-rolls, to the Committee on Invalid Pensions.

Also, the petition of F. W. Millhouse, and 36 others, for the passage of the bill (H. R. No. 1179) granting increased pension to disabled soldiers, to the same committee.

IN SENATE.

TUESDAY, *April* 14, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

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

PETITIONS AND MEMORIALS.

Mr. FENTON. I present the memorial of the Union League Club of the city of New York in the form of resolutions, in which they disapprove of the further inflation of the currency as a violation of all the rules of finance and as contrary to the pledges of Congress to the people of the nation. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. FLANAGAN presented the petition of C. D. Anderson, of Texas, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. STEVENSON presented the petition and accompanying documents of David R. Haggart, late colonel Fifth Kentucky Infantry, in support of his claim for pay as an officer of the Army during the late rebellion from the 1st of October, 1861, to March 31, 1862; which were referred to the Committee on Military Affairs.

Mr. PEASE. I present a petition of a large number of citizens of Mississippi, asking the Congress of the United States to refund the tax collected on cotton by the Federal Government during the years 1865, 1866, 1867, and 1868. I desire that the petition be read, and that it be referred to the Committee on Claims.

The PRESIDENT *pro tempore*. The rule requires that a Senator shall make a brief statement of the contents of a petition presented by him. It will be referred to the Committee on Claims, as a matter of course.

Mr. PEASE. I suppose I have sufficiently stated the object of the claim. I ask its reference to the Committee on Claims.

The PRESIDENT *pro tempore*. The petition will be so referred.

Mr. FRELINGHUYSEN presented a petition of citizens of Nebraska, praying for the repeal of the law authorizing grants of public lands for city and town sites; which was referred to the Committee on Public Lands.

WITHDRAWAL OF PAPERS.

Mr. FERRY, of Michigan. I ask for an order for the withdrawal of the papers in the case of Isaac W. Ingersoll and Joseph Granger. There has been an adverse report.

The PRESIDENT *pro tempore*. Is it for the purpose of reference to another committee?

Mr. FERRY, of Michigan. To be referred in the other House.

The PRESIDENT *pro tempore*. The order will be entered, copies being retained.

REPORTS OF COMMITTEES.

Mr. FERRY, of Michigan, from the Committee on Finance, to whom was referred the bill (H. R. No. 2090) for the relief of Jacob Harding, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. MORRILL, of Vermont, from the Committee on Finance, to whom was referred the bill (S. No. 312) to establish an assay office at Helena, in the Territory of Montana, reported it with an amendment.

Mr. HITCHCOCK, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 575) giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, and to regulate its construction and operation, reported it without amendment.

Mr. SCOTT. The Committee on Finance instruct me to report back the bill (S. No. 396) to amend an act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, with an amendment in the nature of a substitute. The title of this bill does not give an accurate index of its purpose. It is to provide for proceedings against insolvent banks and banks that have gone into liquidation.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. SCOTT. I am instructed by the same committee to report back 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, and to recommend concurrence in the substitute adopted by the House, with several amendments. It is accompanied with a written report, which I ask to have printed.

The PRESIDENT *pro tempore*. The report will be printed, and the bill go upon the Calendar.

Mr. KELLY, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2416) to authorize the Secretary of War to ascertain the amount of expenses incurred by the States of Oregon and California in the suppression of Indian hostilities in the years 1872 and 1873, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2698) for the relief of Joseph C. Breckinridge, for services in the Army of the United States, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 481) for the relief of Thomas Weeks, of Plymouth, Wisconsin, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1771) for the relief of Rice M. Brown, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred a memorial of the Legislative Assembly of Montana Territory, asking protection to the citizens of Deer Lodge and Missoula Counties against the depredations of roving bands of Indians, asked to be discharged from its further consideration, and that it be referred to the Secretary of War for his consideration; which was agreed to.

Mr. FRELINGHUYSEN. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. No. 1) supplementary to an act entitled "An act to protect all citizens of the United States in their civil rights and to furnish the means for their vindication," passed April 9, 1866, to report it with an amendment, with a recommendation from the majority of the committee that the bill pass.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

JAMES B. BETTS.

Mr. BAYARD. The Committee on Finance, to whom was referred the bill (S. No. 326) for the delivery to James B. Betts, receiver, of certain bonds now in the Treasury of the United States of America, have instructed me to report it back with an amendment; and I ask for its present consideration if there be no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It instructs the Secretary of the Treasury to deliver up to James B. Betts, receiver of the president, directors, and company of the State Bank of Charleston, South Carolina, the following coupon bonds now in the Treasury of the United States: Bonds numbered 812, 821, 836, and 837, each for the sum of $1,000, issued by the State of South Carolina in aid of the Blue Ridge Railroad Company, signed by R. F. W. Allston, governor, and T. I. Pickens, comptroller-general, under an act of the General Assembly of that State, ratified on the 21st day of December, 1854, which were the property of the president, directors, and company of the State Bank, to be administered by Betts as he may be directed by the proper court in South Carolina, under which he holds the appointment of receiver.

The amendment of the Committee on Finance was to insert as an additional section the following:

> And the Secretary of the Treasury is hereby directed, out of any money in the Treasury not otherwise appropriated, to pay unto the said James B. Betts, receiver of the State Bank of Charleston, South Carolina, the sum of $479, that being the amount heretofore collected by the Secretary of the Treasury from the said State upon coupons attached to said bonds.

The amendment was agreed to.

The bill was reported to the Senate as amended; and the amendment was concurred in.

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

WILLIAM ROOD.

Mr. KELLY. I am instructed by the Committee on Military Affairs, to whom was referred the bill (H. R. No. 1220) for the relief of William Rood, late private of the Thirty-sixth Regiment of Wisconsin Volunteers, to report the same back without amendment; and I ask for the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which is a direction to the Adjutant-General of the Army to remove the charge of desertion from the name of William Rood, late private Company E, Thirty-sixth Regiment of Wisconsin Volunteers, in view of his death while in service; and a provision that the father of William Rood shall be allowed and paid the pay and benefits and advantages due him, in the same manner and to the same extent as if the charge of desertion had never been made, and application therefor had been filed before the 30th of January, 1873.

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

BILLS INTRODUCED.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 695) granting a pension to Sue Bradley Johnson, widow of General G. L. Johnson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPENCER (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 696) referring to the Court of Claims for adjudication and determination a claim for the past and future use of an invention and letters-patent thereon now in general use by the Post-Office Department in the postal service of the United States; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 697) to incorporate the Washington City and Atlantic Coast Railroad Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 698) to establish a national railroad bureau and for the general government of railroads; which was read twice by its title, referred to the Select Committee on Transportation Routes to the Sea-board, and ordered to be printed.

Mr. INGALLS. The Secretary of the Interior has transmitted to the Committee on Indian Affairs a bill to regulate bids for goods, supplies, and transportation on account of the Indian service. I ask leave to introduce this bill, and that it may be read, and, with the accompanying communication, referred to the Committee on Indian Affairs.

By unanimous consent leave was granted to introduce a bill (S. No. 699) to regulate bids for goods, supplies, and transportation on account of the Indian service; which was read twice by its title, and, with the accompanying communication, referred to the Committee on Indian Affairs.

Mr. FRELINGHUYSEN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 700) for the relief of Robert Love; which was read twice by its title, and referred to the Committee on Pensions.

MENNONITE SETTLERS ON PUBLIC LANDS.

Mr. WINDOM. I ask consent to call up the bill (S. No. 655) to enable the Mennonites from Russia to effect permanent settlement on the public lands of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, the question being on the amendment reported by the Committee on Public Lands to strike out all after the enacting clause, and in lieu thereof insert:

That whenever a body of such persons, being heads of families or single persons over twenty-one years of age, shall, through a duly constituted and accredited agent, file with the Secretary of the Interior an application for permission to locate a portion of the public lands of the United States, accompanying such application with a list of the persons composing such body and the quantity desired by each, the Secretary may authorize such location to be made in any land district of the United States by giving such agent the proper certificate in writing, under seal of his office, stating that such application has been filed, and reciting the number of persons so applying and the number of acres which they may include in their claim, and location to be made as hereinafter provided.

SEC. 2. That upon presentation of the certificate aforesaid to the register of any land district such agent as aforesaid shall be permitted to locate in a compact body any tract of unappropriated public land not mineral, and not exceeding the amount of one hundred and sixty acres, held at the minimum price, or eighty acres held at the double-minimum price, for each person composing such body of individuals named in the said petition and application: *Provided*, That no prior right of any person under existing laws shall be prejudiced by this act.

SEC. 3. That such location shall be made by filing with the register a declaratory statement, describing the lands by sectional subdivision, township, and range, and the payment to the receiver of fees at the rate of one dollar, each, to the register and receiver for each one hundred and sixty acres embraced in the application, to be accounted for as other fees and allowances, and subject to the restrictions under existing laws as to maximum compensation of those officers. And upon receipt of such fees, the receiver shall issue his receipt therefor, setting forth the fact of such declaratory statement having been filed, giving the number of the same, and the description of the land, and acknowledging the said payment of the fees as aforesaid; which receipt shall be delivered to such agent, and shall be his voucher for the filing of the declaratory statement and payment of the fees aforesaid.

SEC. 4. That the register shall forward to the General Land Office, as a portion of his monthly returns, a duly certified abstract of the declaratory statement, in the same manner as similar returns are rendered in pre-emption cases, to be entered upon the books of the General Land Office.

SEC. 5. That any person named in the application and petition on file with the Secretary of the Interior, or, if he be dead, his legal representatives, shall have the exclusive right of entry for the period of two years from the date of filing as aforesaid, under the laws of the United States existing at the date of entry, of a tract of land embraced in said declaratory statement, not exceeding the quantity named in the original application and petition, as the amount desired by such person, and in no case exceeding one hundred and sixty acres of minimum or eighty acres of double-minimum lands.

SEC. 6. That all questions of priority arising between actual settlers shall be adjusted under existing rules.

SEC. 7. That at the expiration of the period of two years, as aforesaid, all lands not entered by the parties entitled under the foregoing provisions shall be subject to the entry of any other person under the laws applicable to the same as other public lands of the United States.

SEC. 8. That the aggregate of lands held under declaratory statements, as aforesaid, shall not, at any one time, exceed five hundred thousand acres, nor shall any one filing embrace more than one hundred thousand acres.

SEC. 9. That the Commissioner of the General Land Office shall have power to make all needful rules and regulations to carry into effect the provisions of this act.

Mr. WINDOM. I will make a very brief statement in reference to this bill. It has received the unanimous indorsement of the Committee on Public Lands, who have given to it careful consideration. Its object is to enable some forty or fifty thousand people, known as Mennonites, and who now reside in Southern Russia, in the neighborhood of the Black Sea and the Sea of Azof, to take possession of certain public lands for settlement. Those people are farmers; industrious, intelligent, and in every respect the class of people most desired in this country. They were originally Germans who went to Russia at the instance of Catherine II, who offered to them certain inducements to settle upon and improve the lands of that country.

The reason why it is necessary to pass some such bill as this is that those people are unable to sell their lands at once on account of a provision made by the government of Russia which at the time was supposed to be for their benefit, namely, that their lands should never be sold to any one but members of their own sect. It operated very advantageously while they desired to stay, as Russians could not settle among them, and their community was entirely separate from that in which they then resided. But now that they desire to remove to this country, it operates very disadvantageously. Of course, if the whole amount of their land is thrown into the market at once, it will be impossible for them to realize its value. Their purpose is to come here in small bodies as fast as they can make sales of portions of their lands, and the desire is to send over agents representing these bodies who will appear before the Secretary of the Interior, state the number and names of the persons who will compose the body about to emigrate, and receive from the Secretary a certificate that an application has been made for public lands for a given number of persons. That certificate, when taken to the local land office, will enable them to make selections of not more than one hundred thousand acres of land in a body at any one time, to be reserved for them two years in order to enable them to make their arrangements to come and take possession of it.

I think it is utterly impossible for us to procure this valuable accession to our population unless we make some such provision as this. The Canadian government is extremely anxious to obtain these settlers, and has offered them very great advantages if they will take lands in the western part of the Dominion, in Manitoba. I will read, if the Senate please, the offer made by the Canadian government:

DEPARTMENT OF AGRICULTURE, OTTAWA, *July* 23, 1873.

GENTLEMEN: I have the honor, under instruction of the minister of agriculture, to state to you, in reply to your letter of this day's date, the following facts relating to advantages offered to settlers, and to the immunities afforded to Mennonites, which are established by the statute law of Canada and by order of his excellency the governor general, in council, for the information of German Mennonites having intention to emigrate to Canada via Hamburg.

First. An entire exemption from military service is by law and order in council granted to the denonination of Christians called Mennonites.

Second. An order in council was passed on the 3d of March last to reserve eight townships in the province of Manitoba for free grants, on the condition of settlement, as provided in the Dominion land act, that is to say:

"Any person who is the head of a family, or has attained the age of twenty-one years, shall be entitled to be entered for one-quarter section or a less quantity of unappropriated Dominion lands, for the purpose of securing a homestead right in respect thereof."

Third. The said reserve of eight townships is for the exclusive use of the Mennonites, and the said free grants of one-quarter of a section, to consist of one hundred and sixty acres each, as fixed by the act.

Fourth. Should the Mennonite settlement extend beyond the eight townships set aside by the order in council of March 3 last, other townships will be in the same way reserved to meet the full requirements of the Mennonite emigration.

Fifth. If next spring the Mennonite settlers, in viewing the eight townships set aside for their use, should prefer to exchange them for any other unoccupied townships, such exchange will be allowed.

Sixth. In addition to the free grant of a quarter-section of land, or one hundred and sixty acres, to every person over twenty-one years of age, on the condition of settlement, the right to purchase the remaining three-quarters of the section at one dollar per acre is granted by law, so as to complete the whole section of six hundred and forty acres, which is the largest quantity of land the government will grant a patent for to one person.

Seventh. The settler will receive a patent for a free grant after three years' residence, in accordance with the terms of the Dominion land act.

Eighth. In the event of the death of the settler the lawful heirs can claim the patent for the free grant, upon proof that settlement duties for three years have been performed,

Ninth. From the moment of occupation the settlement acquires a "homestead right" in the land.

Tenth. The fullest privilege of exercising their religious principles is by law afforded to the Mennonites without any kind of molestation or restriction whatever, and the same privilege extends to the education of their children in schools.

Eleventh. The privilege of "affirming," instead of making "affidavits," is afforded by law.

Twelfth. The government of Canada will undertake to furnish the passenger warrants from Hamburg to Fort Garry for Mennonite families of good character.

for the sum of thirty dollars per adult person over the age of eight years; for persons under eight years, half price, or fifteen dollars, and for infants under one year, three dollars.

Thirteenth. The minister specially authorizes me to state that this arrangement as to price shall not be changed for the seasons 1874, 1875, and 1876.

Fourteenth. I am further to state that if it is changed thereafter the price shall not, up to the year 1882, exceed forty dollars for adults, and children in proportion, subject to the approval of Parliament.

Fifteenth. The immigrants will be provided with provisions on the portion of the journey between Liverpool and Collingwood, but during other portions of the journey they are to find their own provisions.

I have the honor to be, gentlemen, your obedient servant,

J. N. LOWE,

Secretary of Department of Agriculture,

The Senate will have observed by the reading of this that the inducements offered by Canada are very much greater than these people ask to be offered by this country. They may take six hundred and forty acres in Canada at the rate of one dollar per acre for three-fourths of it and take as a homestead the other one-fourth. All they ask of this country is that they may have the opportunity of making the selection of lands; that they may be withheld for them for two years in order that they may send over their agents to build their houses and prepare the farms, so that when the bulk of the body arrive they may find their homes all ready for their occupation. They prefer our country, and unless we choose to drive away forty thousand of the very best farmers of Russia who are now competing with us in the markets of the world with some ten million bushels of their wheat, if we choose to say that Russia shall raise that wheat or that Canada shall provide it instead of our own country, we can simply reject the proffer of these people, and they probably will not become our citizens. I deem it of the utmost importance that this bill should pass.

I will say one word more, Mr. President. It is not the intention of these people to come in one body and take possession of large tracts of land, as has been supposed. They pursue different avocations at home. Some of them are farmers; some of them are wool-growers; others are engaged in manufactures and the various pursuits which make a rich and prosperous community. It is possible that the farmers will go to the Northwest; that the wheat-raisers will find in Minnesota or Dakota or Nebraska, or that region of country, the best place for their pursuits, while the wool-growers will probably go farther South, and so throughout the country they will be distributed in small bodies in what I deem an entirely unobjectionable manner.

I will not take up the time of the Senate further in this connection.

Mr. EDMUNDS. Mr. President, this is certainly a very important bill. I do not think that American history has furnished a precedent for a bill of this character. I do not believe that it ever occurred to the founders of this Government, or to those who have administered it heretofore, that the highest public policy—by which I mean the best progress of the Republic—would tolerate a species of legislation of this character, either for Mormon or Shaker or Baptist or Episcopalian, or any religious or political sect or band of people whatever. To me it is a question entirely independent of what these people may think, or what any other community of people may think, upon any religious or political or social topic. It is the question which, as I believe, is fundamental to successful republicanism, that of a homogeneous unity of the whole body of the citizens of a State divided into political parties, divided into sects, divided into social grades, if you please, but all in the body of the community living as friends and neighbors among each other, and not separated by any territorial or other distinctions from each other; so that when you look at the party in his character as a citizen and as a resident, you are not to look in Vermont for the Congregationalist, and in New York for the Episcopalian, and in Indiana for the Baptist, and in Oregon for another sect; you are not to look in New England for the republican in the political and the party sense, and in the West and in the South for the democrat in the political and the party sense; but if you are to have a prosperous republic you must look everywhere in the whole boundaries of the nation to find everywhere every shade of political and religious opinion which citizens may entertain, which shall not interfere with the places where they reside or the standing or position they are to have in the communities among whom they may be located.

I believe, sir, that human experience demonstrates that it is impossible that a republican Government shall be successful, that it shall live, if it be based upon any other principle than that I have named. Why, sir, what kind of a country should we be if distinctions prevailed such as this bill proposes to set up, of locating men of special religious or special political or social ideas exclusively in one place and another exclusively in another, and so on? Suppose it were by States, then you would have a representation here which would be absolutely fatal, in my humble opinion, to that successful administration and legislation respecting affairs which shall look to the common interests of all citizens, and which, because they are commingled in every respect, are common to all, and only because so, rather than looking to the exclusive and single interests of one State to do one thing and another State to do another, and so on.

Suppose, Mr. President, that all the blacksmiths were located in New England; of course I am not speaking of the physical inconvenience of having them all there; but I will not carry on the illustration of the blacksmiths because, of course, that is absurd, as anybody would see. Suppose, however, all the manufacturers of woolen cloths were to be by law allowed and required in effect, or from their own notion they had banded together so firmly that they all wanted to be and we were willing they should be in one part of the country, and all the manufacturers of steel and iron were located in another State, and so on all around. Would you, Mr. President, have a republic of a combination of separate elements in that way that could legislate to the just interests of them all? It is obvious that you could not; it would be totally impossible. The only way in which you can separate people under any circumstances that I know of, and have a republican government go on properly, is to separate them according to the individual inclination and wish of each man. Let him cast his lot among citizens under equal laws giving equal rights everywhere, not only to locations in the public lands, but every other right that belongs to the citizen in his character as such. In that way, and in that way only, in my judgment, can you have that homogeneous unity which is made up, it is true, of individual diversities in society, but which when looked at largely is a compact whole, not of one sect, not of one politics, not of one calling, not of one industry, but of every sect, every calling, every industry, every shade of political opinion, where being intermingled in that way they learn to respect the opinions of others, and harmonize their own with them, and to be, as we know in our own happy country it is generally, a compact and personally independent state of society where everything goes on smoothly.

My friend from Minnesota, I have no doubt, believes that this is a wise bill. I have no doubt that he believes this step, in derogation of what I believe to be the first principle of republican government, is so small a one, is so incidental, so merely, as he would call it, a drop in the bucket of political prosperity, that it is not worth while to make any fuss about it; but I feel that, with his philosophic and historical attainments and with his sound patriotism, he would say that if this were a precedent to be followed, to become general, so that we were bound by this precedent to give to others of any sect of religion, of any calling in life, of any character of politics, a separate right to compact themselves as an exclusive community in a Territory or on the public lands in a State—he would say at once, "No; it is fundamentally wrong that there should be allowed by law the right of any sect or body of people to separate themselves from the rest of the community and to have the exclusive privilege to build up within the State and within the Union a state of society which excludes in effect, and excludes by law so far as the right of the citizen to settle there goes, every other citizen of the Republic from intermingling in their society." It is too much like the Indian reservations, which are exceptional, however, for the reason that they are savages and are not capable, as is supposed, of immediate civilization. But if we were to civilize the Indians, if we were to set up, as has been proposed, an Indian territorial government in one part of the country, who would think of declaring that the Indians alone should have the exclusive right of populating and cultivating and developing the territory which should be assigned to them; and that they should continue to grow on and spread in the Republic as a separate people by themselves, at the same time taking part in the government which is to operate upon every citizen, East, West, North, and South alike?

No, Mr. President; in my judgment it is a fatal step, a fatal step to the prosperity of any republic that is founded upon the theory that ours is, to take this first instance of opening a vast body of public lands to the exclusive proprietorship of any sect of Christians, or of any political party, or of any people of a particular social standing, or of any race, or of any other condition except that broad and open one which holds out the lands of the Government to every citizen alike upon his making the entry, conforming to the law, and paying the price. In that way you build up States and republics in the unsettled parts of the Union that when built up contain all the elements not only of true social progress and true brotherhood with their neighbors, but also all the elements that will make forever more, if they are lived up to, a stable and prosperous republic. Otherwise you cannot do it.

However tempting, therefore, Mr. President, this opportunity to get fifty thousand workers and wheat-raisers and wool-growers, who may reside in Russia now, to come to this country, however great the bargain may be in the amount of products they would raise for us and sell—although I do not greatly see the force of that—yet I say we should not be tempted by any temporary or pecuniary advantage to depart from what I believe to be, as I have said, a fundamental principle in the progress and in the security of our republican government. Let us have no exclusions; let us know no boundaries; let us be a nation and a people where every man everywhere stands on an equality with his fellow-man, where there are no boundaries like Chinese walls to separate one sect or one opinion of politics or one calling from another; but an equal citizenship and an equal freedom.

For these reasons, Mr. President, it appears to me that we ought not to pass this bill. It ought to be said also in connection with the bill itself that I cannot perceive that there is any limitation upon the quantity of land in the aggregate which is to be given to these people. There is no limitation or obligation in respect to their occupying and improving these lands after they are entered. For aught I can see, although I know it is not so intended, these people having entered these lands and become the proprietors of them, might hold them fifty years for speculation if they liked, to sell them out afterward. Of course that can be corrected if it be so; but I think that is the present condition of the bill. I may be mistaken——

Mr. WINDOM. On that point I think the Senator is mistaken, because the bill provides that they shall take them under the existing

land laws of the United States, which would require them either to pay for them or take them as homesteads after five years' settlement.

Mr. EDMUNDS. I understand that perfectly well. The seventh section makes the provision that they may enter them. They do so, paying for them at a certain price named. Very well. Suppose I, forming a grand land company, should go into a Western State and buy ten million acres of land in one compact body, presuming now that the law would allow me to do it, and I, and my heirs, and my and their associates hold it in order to speculate; what is to become of the State where we should make such a location? Would not every citizen curse us, and justly? It would just stop the prosperity of the State. Now, if these people are to be authorized by this act to make the entry and pay for the lands at $1.25 an acre, or whatever the price may be, and are not then required within any reasonable time to occupy, settle upon, and improve the lands, but are authorized still to live in Russia and to hold these lands as an investment, then I say that is a wrong policy. But as I stated, I did not rise to consider the details of the bill, but only to enter my humble protest, as one Senator responsible for the security of this Republic, against the principle upon which the bill is founded.

Mr. CLAYTON. If I understand the provisions of this bill, it provides for setting aside an amount of public lands equal to five hundred thousand acres; I believe that is the extreme limit.

Mr. EDMUNDS. I do not see any limit.

Mr. CLAYTON. The worst feature of the bill, according to my opinion, is that I see no assurance that these fifty thousand people who are allowed to settle in one compact body will ever become citizens of the United States. If I am correct in that, we open by this bill the way to the establishment of a vast colony of fifty thousand people who may owe allegiance as long as they occupy these lands to some foreign potentate. If that is so, it seems to me it would not be in harmony with the general principles of our Government. If I understand those general principles, our theory requires all the States in this Union to be acting under one particular form of government, republican, and harmonizing with each other. It seems to me it would be a very bad thing indeed to establish a colony so large as this of people who might owe allegiance to some other government than their own.

Mr. PRATT. Will my friend from Arkansas allow me to interrupt him?

Mr. CLAYTON. Yes, sir.

Mr. PRATT. There is no such feature in the bill as the Senator supposes. These persons are to enter the lands in conformity with the existing laws of the United States. They must declare their intention to become citizens of the United States before they are allowed to enter a foot of the public lands.

Mr. CLAYTON. But I understand these lands are to be set aside for them, without their making their appearance even upon the territory of the United States.

Mr. WINDOM. Only for two years.

Mr. CLAYTON. Are they then to be under the provisions of the general homestead law and the pre-emption laws of the Government?

Mr. WINDOM. When they take possession of them they may enter them under the existing land laws of the United States. They may pre-empt them if the pre-emption law be in existence, or take them as homesteads after five years' settlement, or they may enter them and pay $1.25 an acre for them; but the reservation is only for two years, and unless they are taken within two years from the time of the notice they are subject to settlement by any other person.

Mr. CLAYTON. Do I understand from the Senator from Minnesota, then, that this bill is not subject to the criticism I have raised?

Mr. WINDOM. I think it is not.

Mr. CLAYTON The Senator thinks these persons must become citizens of the United States in order to enter and occupy these lands?

Mr. WINDOM The bill provides that they "shall have the exclusive right of entry for the period of two years from the date of filing as aforesaid, under the laws of the United States existing at the date of entry;" and no one can enter or enjoy the benefit of the homestead and pre-emption laws, without becoming a citizen of the United States.

Mr. CLAYTON. If that is so, it seems to me that under our system of Government we ought not to depart from the general rule which we make applicable to all people. We have certain advantages here of our own. We are not selfish in those advantages. We are willing that persons from abroad may come here, and by becoming citizens of this country share with us in those advantages. That applies to Germans and to men of all other nationalities. It does not seem to me that we ought in this particular case to depart from that general rule. I am as glad as any one can be to see this country settled by immigrants who come here attracted by our peculiar institutions and our peculiar advantages; but I think it would be a bad precedent to establish to offer to these people before they come here advantages that are not offered to others. I may be mistaken; but from the hasty investigation I have given to this bill it appears to me to be subject to that objection.

Mr. HAMLIN. Mr. President, I have a very kindly feeling toward the object sought to be accomplished by this bill, and should be very glad to vote for it, and hope I may be able to do so; but I think it requires some amendment. I think it ought to be amended in some particulars. If I am right in my construction of the second section of the bill I think it ought to be amended. It says:

That upon presentation of the certificate aforesaid to the register of any land district, such agent as aforesaid shall be permitted to locate, in a compact body, any tract of unappropriated public land not mineral and not exceeding the amount of one hundred and sixty acres held at the minimum price, or eighty acres held at the double-minimum price, for each person composing such body of individuals named in the said petition and application.

That applies to males and females, to the youth and to the adult. Does the Senator from Minnesota mean so to include them?

Mr. WINDOM. If the Senator will read the first section, I think he will find that his construction is wrong. The first section provides:

That whenever a body of such persons, being heads of families or single persons over twenty-one years of age, shall, through a duly constituted and accredited agent, file with the Secretary of the Interior an application for permission to locate a portion of the public lands of the United States, accompanying such application with a list of the persons composing such body and the quantity desired by each.

As I understand it—and it was drawn at the Land Office with a view to conform to our land laws—the second section refers to the persons mentioned in the first.

Mr. CONKLING. Undoubtedly.

Mr. HAMLIN. Then I ask the Senator from Minnesota if this body of individuals shall locate their lands and shall not become citizens of the United States, what is the provision of existing law which prevents their holding them without being naturalized?

Mr. WINDOM. They are to take them, as I have said once before, under the laws of the United States existing at the date of entry.

Mr. HAMLIN. I understand that.

Mr. WINDOM. And those laws require a declaration of intention to become citizens.

Mr. HAMLIN. It requires no more than a simple declaration.

Mr. WINDOM. We require of them precisely what we do of every other foreigner.

Mr. HAMLIN. This bill allows them to set aside large quantities of territory and permits a large body of a particular sect to hold land with no provision that they shall at any time become citizens of the United States; is not that its effect?

Mr. WINDOM. I have no objection to an amendment that shall require them to become citizens before perfecting title, though I do not think it is necessary.

Mr. HAMLIN. I prefer that the Senator should amend his own bill. I call his attention to that defect, as I think it is, and I am sure it ought to be so guarded that they shall at some time be required to become citizens of the United States if you allow them to settle in a compact body and cover a large extent of country.

Mr. WINDOM. I wish to make a single remark in answer to the impression which seems to have been made by the Senator from Vermont [Mr. EDMUNDS] and to have been followed somewhat by the Senator from Maine, [Mr. HAMLIN,] to the effect that we propose to introduce very large bodies of foreigners into some portions of our States in compact settlements, and that we propose to give them some special privileges, religious or political, and that the bill contemplates some sort of exemption from duties which are incumbent upon every American citizen. There is no such thing in the bill. In the first place its provisions are "that the aggregate of lands held under declaratory statements, as aforesaid, shall not, at any one time, exceed five hundred thousand acres, nor shall any one filing embrace more than one hundred thousand acres." That is the eighth section. The body of men provided for in the first section cannot file for more than one hundred thousand acres in any one place. I appeal to the Senate if that is a very dangerous body of men to introduce into this great Republic? One hundred thousand acres of land will accommodate sixty-two families, and that is all that can be taken in any one compact body. I do think that this nation is strong enough to resist successfully any evils that may be introduced into our community by the settlement of sixty-two families of Mennonites in our midst.

Mr. CARPENTER, (Mr. ANTHONY in the chair.) I wish to ask the Senator if there is anything in this bill after one body of men have selected five hundred thousand acres to prevent another body of men selecting another five hundred thousand acres as near the first as they can find the land? In other words, may not a dozen of these associations be formed in one county under the bill if the Secretary of the Interior chooses to allow it?

Mr. WINDOM. There never can be more than five hundred thousand acres at any one time in the whole country.

The aggregate of lands held under declaratory statements as aforesaid shall not at any one time exceed five hundred thousand acres.

Mr. CARPENTER. Would not that be to one body of men?

Mr. WINDOM. No; the declaratory statement of one body of men cannot exceed one hundred thousand, the aggregate five hundred thousand.

Mr. EDMUNDS. At any one time.

Mr. WINDOM. I wish to say to the Senator that the whole body of these people, as we understood their numbers, will occupy eventually about five million acres of public lands, but at no one time can more than five hundred thousand acres be held, and if the whole five hundred thousand shall be applied for and all the families that can occupy it shall come and settle upon it, there will be three hundred and ten families who have no special privileges, no exemptions from

military, duty, or any other exemptions from the duties of an American citizen.

I cannot conceive that there is any danger in this. There is absolutely nothing in this bill except authority for these people to come and make selections of land in order to enable them to send over their sons or members of their families before the main body comes, in order to take possession of those lands, build houses upon their quarter-sections, and prepare for the bulk of the body when they can get rid of their lands at home and be able to come here and take possession. When they come they are under all the laws that govern American citizens, and subject to every duty, as I have two or three times said, that belongs to an American citizen.

Mr. FERRY, of Connecticut. I rise to ask the Senator from Minnesota a question. I ask him whether a foreigner who has only declared his intention to become a citizen of the United States, in case of our country being engaged in war, can be drafted into the military service of the United States; whether he is not still, notwithstanding such declaration of intention, a subject of the foreign power, and entitled to call for its protection if we endeavor to make him the subject of a draft?

Mr. WINDOM. I must say to the Senator from Connecticut that I am unable to answer that question. Perhaps some other Senator can answer it.

Mr. FERRY, of Connecticut. My own opinion is that a foreigner in that condition is not the subject of draft; that he is still entitled to the protection of the power from whose country he has emigrated to this country.

Mr. CAMERON. If the Senator will allow me, I think I can answer his question in this way: These people will owe allegiance to no country. They have been directed by the Emperor of Russia to leave his country in a certain number of years unless they think proper to remain there and give up their own nationality. If they become Russianized, learn the Russian language, adopt the Russian Church, they can remain there and occupy their property.

Mr. FERRY, of Connecticut. Mr. President, the real point in this bill has not been touched. The Mennonites' difficulty with the Russian government consists simply in this: They, in their religious tenets, are opposed to war, and refuse to enter the military service of a great military power. They desire to emigrate somewhere where they will be free from the obligation of defending by physical force the nationality of which they are members, and this bill is so drawn that the Mennonites who come to this country under it may take up these lands and hold them indefinitely, without ever becoming citizens of the United States, and therefore without ever becoming liable to compulsory military service if the Government of the United States should be compelled to call upon them in time of war, as I understand the bill.

Mr. CONKLING. Will the Senator allow me to ask him one question there? Is it not true that one of the stipulations made by Catherine with these Germans originally, was an exemption from military duty, so that they have, without regard to their religious tenets, a much more substantial objection than the one the Senator has assigned to complying with the military requisitions of Russia?

Mr. FERRY, of Connecticut. The information which I have on the subject is simply derived from the public press and from encyclopedical statements regarding the Mennonites; and that information has led me to believe, and has been to the effect, that at the present time the Russian government demands of them military service.

Mr. CONKLING. So I understand.

Mr. FERRY, of Connecticut. And on account of that demand they desire to leave the Russian territory and find a country where they will not be required to perform military service.

Mr. CONKLING. The Senator's information is exactly like mine as far as he has gone; but my information, taking the narration up at that point, is that they ground their refusal to perform military service for Russia upon the allegation that one of the stipulations precedent upon which they left their own countries and settled upon the shores of the Black Sea was exemption from military service along with a stipulation that they would never part with their lands except to each other or their successors.

Mr. FERRY, of Connecticut. Very likely the stipulation may have been in the original arrangement by which they immigrated to the shores of the Black Sea; but the fact to-day remains that they desire to leave Russian territory because the Russian government calls upon them to perform military service.

When this matter first came before the Senate I objected to the mode in which it was then sought to be disposed of because of this information which had reached me, and I am of opinion that we never ought to establish the precedent of admitting colonies from abroad within our territory with a direct or indirect provision in the law admitting them by which they should be exempted from the defense of our common country. And as this bill is so drawn that they may take up these lands, may hold them and own them, and still remain in law the subjects of a foreign power and not liable to be drawn into the military service of the United States in time of war, I cannot vote for this bill until in that respect it be amended; and if it is amended in that respect, and if the Senator from Minnesota inserts a provision in it that before their title to these lands shall become perfect they shall become naturalized citizens of the United States, no Mennonite will come to our shores.

Mr. STEWART. I should like to do something for these Mennonites, and I think it may be done in a much less objectionable form than the amendment reported by the committee. The first section is very well, to have a small quantity of land withdrawn for the purpose of allowing them or almost any other settlers to locate upon it for a limited period of time; but the second, third, and fourth sections, and most of the fifth section, and the sixth section, and a part of the seventh and eighth sections are unnecessary, with a little proviso that I propose to add. I propose to substitute for the whole amendment, and I call the attention of the friends of the bill to my proposition and I think they will see that this covers all they desire, what I will read:

That whenever a body of such persons, being heads of families or single persons over twenty-one years of age, shall, through a duly constituted and accredited agent, file with the Secretary of the Interior an application for permission to locate a portion of the public lands of the United States, accompanying such application with a list of the person or persons composing such body, and the quantity desired by each, the Secretary may authorize such location to be made in any land district of the United States, by giving such agent the proper certificate in writing, under seal of his office, stating that such application has been filed, and reciting the number of persons so applying and the number of acres which they may include in their claim.

I would strike out the rest of the first section and all down to the fifth section and go on—

That any person named in the application and petition on file with the Secretary of the Interior shall have the exclusive right of entry for the period of two years from the date of filing, as aforesaid, on complying with the laws of the United States existing at the date of entry.

I would strike out the rest of that section and the sixth section, and then go to the seventh:

That at the expiration of the period of two years, as aforesaid, all lands not entered by the parties entitled under the foregoing provisions shall be subject to the entry of any other person under the laws applicable to the same as other public lands of the United States.

Then the eighth section:

That no one filing shall embrace more than one township of thirty-six sections.

Thirty-six sections would be one hundred and forty-four quarter-sections; that would provide for one hundred and forty-four families in a township of six miles square.

Nor shall a new filing be made until the lands of the former filing shall be exhausted. And the Commissioner of the General Land Office shall have the power to make all needful rules and regulations to carry into effect the provisions of this act.

That would reduce the bill to this proposition: if a community of these people desired to come here, an agent might precede them and select a township of land, which would make room for one hundred and forty-four families, and that would be held for them for the period of two years, during which they might come and apply. That would be a sufficiently large community; and when they got that township they could take another, and so on. I see no harm in their taking as many townships as they could occupy in that way. I would not let them take another township until they had settled one township. I believe that would relieve the bill of a great many of its objectionable features. Of course to get the land they have to enter as in other cases. The only effect would be to enable an agent to come before them and have a township of land set apart. When they settled up that township they might take another, and so on.

Then I would allow any men, whether Mennonites, Irish, Germans, or others, if they had a number of settlers sufficient to fill a township, to name their people and have a year to settle the township. I do not think that would be a hardship.

There is no use in making a limit of five hundred thousand acres, because if they should want more than five hundred thousand acres to settle on in that way, I would not object. If they only have a township together, they will not be so exclusive but that they will have the influences of the American people around them.

Mr. CAMERON. I think, Mr. President, if Senators knew these people as I do, in place of making objections to their coming here, they would give them all the facilities they could possibly desire. We have a very large number of these people in Pennsylvania. They are among the best of our citizens. They are nearly all farmers. Their farms are the most highly cultivated of all our lands in Pennsylvania, and I think our lands are as well cultivated as any that I have seen in any part of the world. These people came to Pennsylvania about 1724 or 1725, and the proprietor, one of the Penns, authorized them to select lands just where they pleased, in any quantities they thought proper, and he charged them one shilling an acre and no more. They have increased and multiplied. They went to Lancaster County first, and now a number of them are in almost every county of the State, especially where there is good land. They have a fancy for the limestone valleys, and wherever there is a fine limestone country, there have the descendants of the early Mennonites gone. They are among our best citizens. They never interfere with anybody; they pay their debts; and they take care of their own poor. In time of war, whenever they are called upon, they pay such taxes as the Government asks of them; they go into the hospitals and become nurses; and during the rebellion a great many of the young people went out and bore arms for the country. Not one refused to send a substitute, or if the Government preferred taking a thousand dollars to getting a substitute, frequently they paid a thousand dollars for that purpose. They made no complaint; they were all loyal and faithful to the Government. So entirely are they believed to be

honest that they can borrow money anywhere without any security. They are a thrifty, laborious, saving people. Now they are cultivating a school system. There is not a township in the counties in which they reside but has got a large number of school-houses of the best kind, with all the advantages which science has furnished to those who now build school-houses. They are hospitable. You cannot go to their houses without receiving a portion of what they have, and they never charge anybody for the entertainment which they furnish. I do not believe there is a better class of people in the world than are the German Mennonites.

In the early settlement of our country the settlements were made everywhere by colonies. In the lower part of Northampton County, Pennsylvania, the Scotch-Irish Presbyterians settled; in Chester County the Quakers went; and in Lancaster County the Mennonites. On the other side of the Susquehanna River the whole country was settled by Scotch and Irish. Everywhere the early settlers came in colonies, and everywhere they were well received. It is natural that these Mennonites should desire to come with their own people. They do not care about any particular form of this law. What they want principally is that they may have two years to select their lands in, and they desire that because the gentlemen who have come here desire to go home and tell their people what they have seen, to relate to them the advantages of our country, and induce them to leave the location where they are.

The Emperor of Russia, as it is said, regrets very much that he is compelled to part with them. He does so because his nobles are not willing that any set of people should be in the country who are not willing to become Russianized. They desire them to adopt the Russian tongue and become members of the Greek Church. I do not think, if the Emperor Alexander were at liberty to use his own individual judgment, he would permit them to go at all. He would certainly find great advantage in keeping them where they are settled now. There are seven or eight colonies in the neighborhood of the Black Sea, or perhaps nearer to the Sea of Azof. They cultivate, some of them, wheat; many of them are herdsmen; some are shepherds; and all of them thrifty and prosperous. About forty thousand now are willing to come. The number there is much larger than that. They do not intend all to settle in the same place. A large number of them have already purchased land, or made arrangements for purchasing land, in Minnesota, some in Dakota, and others desire to go to Iowa, Nebraska, Kansas, and the Indian country. I am sure that wherever they go they will be a blessing to the neighborhoods in which they think proper to settle.

Mr. STEWART. I will offer my amendment now as a substitute for the amendment of the Committee on Public Lands.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The amendment will be read.

The CHIEF CLERK. The amendment is to strike out all after the word "that," in the first line of the reported amendment, and to insert the following:

That whenever a body of such persons, being heads of families or single persons over twenty-one years of age, shall, through a duly constituted and accredited agent, file with the Secretary of the Interior an application for permission to locate a portion of the public lands of the United States, accompanying such application with a list of the persons composing such body and the quantity desired by each, the Secretary may authorize such location to be made in any land district of the United States, by giving such agent the proper certificate in writing, under seal of his office, stating that such application has been filed, and reciting the number of persons so applying and the number of acres which they may include in their claim.

SEC. 2. That any person named in the application and petition on file with the Secretary of the Interior shall have the exclusive right of entry for the period of two years from the date of filing, as aforesaid, on complying with the laws of the United States at the date of entry.

SEC. 3. That at the expiration of the period of two years, as aforesaid, all lands not entered by the parties entitled under the foregoing provisions shall be subject to the entry of any other person under the laws applicable to the same as other public lands of the United States.

SEC. 4. That no one filing shall embrace more than one township of thirty-six sections; nor shall a new filing be made until the lands of the former filing shall be exhausted.

SEC. 5. That the Commissioner of the General Land Office shall have power to make all needful rules and regulations to carry into effect the provisions of this act.

Mr. SCOTT. Mr. President, I have not examined the details of this bill for the purpose of ascertaining whether there is anything in it in conflict with our general public policy relating to the public lands; but I deem it due to the class of persons intended to be benefited by its passage to add my concurrence in what my colleague has said as to their general character.

Under the various names of Mennonites, Tunkers, and "Ahmische," there are many of them living in that portion of Pennsylvania in which I reside; and I can with truth say that for thrift, industry, economy, integrity, and good morals, they are not exceeded by any other class of the population in that or any other State of this Union. They are not either, as is sometimes asserted, a laggard people in substantial improvement, for within recent years many of them have exhibited a spirit of enterprise and a desire for the intellectual advancement of their people as great as that of almost any other religious denomination. I have in my mind's eye now two representative men among the Mennonites in Pennsylvania, whom I do not deem it any impropriety to name, one of them Shem Zook, of Mifflin County, a man of very considerable literary culture, who has written a history of that branch of the denomination to which he belongs; another, Isaac Kaufman, of Somerset County, a man of great wealth, who has given his time, his influence, and his money to the advancement of the building of railroads and other public improvements in the portion of the State in which he lives. There are many such men among them. They are encouraging newspapers, and establishing institutions of learning.

If there be any class of people, Mr. President, whom we should encourage to come to our shores by any legislation in consonance with our general policy in reference to the public lands, it cannot be extended in any direction with more advantage to our public interests than by encouraging the Mennonites to settle among us, and a properly guarded bill for that purpose shall have my cordial support.

Mr. CARPENTER. The morning hour having expired, and it being evident that this bill cannot be passed without further debate, I move to postpone its further consideration, and that the Senate proceed to thec onsideration of the bill providing for an election in the State of Louisiana.

Mr. STEWART. Before that is done, I should like to have an order made to print the amendment which I offered.

The PRESIDING OFFICER. The order to print will be made.

Mr. WINDOM. I hope we shall act upon this bill to-day. We are as well prepared to vote now as we ever shall be. Let a decision one way or the other be made. It seems to me the Louisiana case, having waited for four months, can wait for an hour longer.

Mr. CARPENTER. In reply to the suggestion of my friend from Minnesota, I will say to him that I think, strictly speaking, his bill fell with the morning hour, but it has gone twenty minutes over the morning hour without interruption. I gave notice yesterday that I should make this motion to-day. The Senator from New Jersey has the floor upon the Louisiana bill, and I understand is prepared to address the Senate, and I hope the Senate will take up the bill.

Mr. WINDOM. I am willing to submit the question of taking it up to a vote of the Senate.

Mr. CAMERON. I wish just to say a word more. The gentlemen who are agents for these people are here now. They desire to go home soon and make preparations for bringing out some of their people this year. I saw their bishop the other day, Mr. Johnson, a remarkably intelligent man. He desired above all things that we should act promptly upon the matter, for he wanted to give notice to some of their people who think of going to Manitoba. I think we can dispose of it in a very few minutes. I am sure they do not care about the machinery of the bill; they will take almost any sort of a bill which allows them two years' time to close out their present land; that is all they care about. I do not wish to say anything more.

The PRESIDING OFFICER. The question is, Shall the pending and all prior orders be postponed to proceed to the consideration of the bill indicated by the Senator from Wisconsin?

The question being put, a division was called for, which resulted—ayes 31, noes 12.

Mr. WINDOM. I give notice that I will try to call up this bill again to-morrow morning, if it goes over now.

Mr. SHERMAN. I should like to have the yeas and nays. I do not wish to prevent any Senator making a speech on the Louisiana case if he desires to do so. If the simple object is to take up the bill to enable Senators to speak upon it, I have no objection; but if the desire is to take up this bill for final action, I should like to have a vote by yeas and nays.

The PRESIDING OFFICER. The Chair understood the Senator from Wisconsin to ask to have it taken up to enable the Senator from New Jersey to address the Senate upon it.

Mr. EDMUNDS. It is entirely within the control of the Senate to lay it on the table at any moment.

Mr. CARPENTER. As far as I have any will about the matter, it is to proceed with this bill as any other business bill until it be disposed of in a proper way. If Senators choose to refer it to a committee, so be it; if they choose to vote for it without reference, let that be so; but I want it distinctly understood that I am not interjecting this bill here as a mere foot-ball in the Senate, as a mere opportunity for debate as in a lyceum. This bill is business, so far as I am concerned.

Mr. SHERMAN. I will withdraw the call for the yeas and nays and let the debate go on, giving notice that at the proper time I will move to lay it on the table.

The PRESIDING OFFICER. The call for the yeas and nays is withdrawn, and the Louisiana bill is before the Senate.

MESSAGE FROM THE HOUSE.

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

A bill (H. R. No. 994) to establish the Bismarck land district in the Territory of Dakota;

A bill (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873;

A bill (H. R. No. 2425) to provide for the free exchange of newspapers between publishers, and for the free transmission of newspapers by mail within the county where published;

A bill (H. R. No. 2899) revising and embodying all the laws authorizing post-roads in force on the 1st day of December, 1873; and

A bill (H. R. No. 2979) abolishing the office of appraiser of im-

ported merchandise, appointed under the act of July 14, 1870, and acts amendatory thereof, at certain places.

The message also announced that the House had passed the bill (S. No. 191) to amend the act entitled "An act relating to the enrollment and license of certain vessels."

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had this day approved and signed the following acts:

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

An act (S. No. 449) granting a pension to Mrs. Amy A. Hough.

STATE OF LOUISIANA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 446) to restore the rights of the State of Louisiana.

Mr. FRELINGHUYSEN. Mr. President, having rather incidentally than by deliberate purpose taken some subordinate part in the discussion of this question when it was before the Senate on a former occasion, I propose now to submit concisely my views on two propositions: First, that the President of the United States was authorized by the Constitution, standing alone, and that he was also authorized by the statutes of the country, to send armed protection to Louisiana; and second, that Congress is not authorized to order a new election in that State.

And I may here say that while I cannot agree with the conclusions of the Senator from Wisconsin, [Mr. CARPENTER,] I trust I do not violate delicacy in stating that I admire the marked ability with which he has presented his views. He has so presented the case that he may properly demand and not petition for it a serious and careful consideration. It is to the labors of that Senator and of the Senator from Indiana [Mr. MORTON] that we and the country are indebted for an understanding of this somewhat complicated subject.

I submit that the President was authorized by the Constitution, standing alone and not enforced by any statute, to send the protection he did to Louisiana. Mr. Kellogg was the governor *de facto* of that State. The President told us that he had so recognized him, and that he would continue so to do unless Congress directed to the contrary, and we purposely did nothing. Kellogg was therefore governor *de facto*, recognized by the President and by the silent acquiescence of Congress; and on the 13th of May, 1873, he sent the President this communication:

SIR: Domestic violence existing in several parishes of this State which the State authorities are unable to suppress without great expense and danger of bloodshed, and the Legislature not being in session, and it being impossible to convene the Legislature in time to meet the emergency, I respectfully make application, under the fourth section of article 4 of the Constitution of the United States, for a sufficient military force of the United States Government to enable the State authorities to suppress insurrection and domestic violence.

Very respectfully, your obedient servant,

WILLIAM P. KELLOGG,
Governor of Louisiana.

To his Excellency U. S. GRANT,
President of the United States.

If the President was satisfied that domestic violence existed, on being called upon by the governor for a force to suppress it he was bound under the provisions of the Constitution to do so whether there was or was not any statute imposing that duty upon him. That disorder existed in that State cannot be questioned, because the preamble of the bill introduced for a new election truly declares in these words:

Whereas the public peace in said State is at present preserved and can only be preserved during the existing state of things in said State at the expense of the United States and by retaining a part of the army in said State.

That the demand upon the President was made according to the constitutional requirements (whether in compliance with the statutes or not) cannot be questioned, after reading the foregoing application.

Sir, the Constitution carefully distributes the powers of government into three branches, the legislative, judicial, and executive. Article 1, section 8, declares the powers of Congress in eighteen different clauses. Article 3, section 1, declares that the judicial power shall be vested in one Supreme Court and in such inferior courts as Congress may ordain and establish; and article 2, section 1, declares that the executive power shall be vested in the President of the United States. This distribution of power is essential to republican liberty. The aggrandizement of all power in one body, whether it consists of many individuals or of a unit, is despotism. The question is, to which of these three divisions of government the duty under the Constitution attaches to protect a State from domestic violence? The Constitution says that it is "the United States" that is to give this protection. We are here told that saying the "United States" shall give the protection is equivalent to saying that Congress shall give it. To that I cannot agree. If the Constitution had intended that Congress, as contradistinguished from the executive or judiciary, should give this protection, it would have enumerated this power among those conferred upon Congress in the eighth section of the first article. In that enumeration of the powers of Congress it is provided that Congress may suppress insurrection and repel invasion; but a general insurrection is a very different thing from domestic violence in a State. That term includes insurrection, but it comprehends much more that does not amount to insurrection. Neither can it be claimed that this power is given to Congress by the last clause of the eighth section of the first article, which says Congress shall have power "to make all laws necessary and proper to carry into execution the foregoing powers," because this protection against domestic violence is not a foregoing power, not being mentioned until we come to the fourth section of the sixth article, while this provision as to making all laws, &c., is found in the eighth section of the first article; and besides, where the question is whether the President's power is restricted to the execution of a statute, rather than to the execution of the Constitution, it does not settle anything to say that Congress may make laws when necessary and proper. That is the very question. When not necessary they need not, and when not proper they may not, pass the law, I say that Congress need not pass a law to give authority to the President to afford this protection; not that they may not.

The term "United States" includes all three of the divisions of the Government, and that division of the Government is to act to which the duty appropriately belongs. If a State should pass a law tending to create an aristocracy, as that a State judgeship should be hereditary, then it would be the province of the judiciary to fulfill the guarantee and to declare such law void. In that case the judicial power is "the United States." If all law and all form of government in a State has been destroyed by a rebellion, so that it is necessary to have a new organization of government, then it is the legislative power that must fulfill this guarantee by setting up new governments, and then Congress is the United States. And here is where Andrew Johnson violated his duty and departed from his proper and legitimate powers, by undertaking as the Executive to exercise legislative functions. If there exist domestic violence, disorder, and obstruction to the laws, then it is the province of the Executive on being called upon to fulfill the guarantee of the Constitution and the Executive is "the United States."

Mr. President, this provision of the Constitution contemplates a sudden emergency, when violence has subjected and trampled down the law, and when, without waiting for the Legislature, the governor is to call upon the President for protection. Every other year Congress is for nine months not in session, and when in session the introduction of a bill, its reference to a committee, its report upon it, its being three times read and thus passing each House, and then to be subjected to the approval of the President, is a process inconsistent with the demands of the emergency as contemplated by the Constitution. I know Congress may delegate some of its powers; but when the duty is such that Congress cannot perform and that the Executive must, and the power is omitted in enumeration of the powers of Congress, and the power is carefully stated to belong not to Congress but to the United States, then we are to infer that the Constitution intended to confer the power on the Executive, and not that the duty was to be performed either by the President, or by any one else, by virtue of a delegation of power from Congress.

Again, the President of the United States is by the Constitution invested with all the power necessary to perform this duty. He is, by article 2, section 2, made the Commander-in-Chief of the Army and Navy; and then the Constitution, having given him this power, expressly declares "that the President shall take care that the laws be faithfully executed," and requires him to swear "that he will faithfully execute the office of President." There has never been any act passed requiring him to perform this constitutional duty. The Constitution need not be enacted into law to be enforced. It is itself the highest law. There might or there might not be an act of Congress authorizing the President to repel invasion; that is merely accidental. His duty is the same. If a fleet should come up the Potomac, is the President to stand like a cowardly dotard, with the Army and Navy at his control, until the White House is in ashes and the Capitol in ruins, waiting for a declaration of war by Congress, or authority to act from them? The Constitution has made him the custodian of the nation, the protector of its laws; it has given him the means to execute his high office, and he must perform it.

We claimed that the Rio Grande was the western boundary of Texas. Mexico disputed it; and President Polk sent General Taylor there in 1845 to protect our interests, and war existed for months before it was declared by Congress.

We obtained possession of Louisiana in 1803; of Florida in 1819; and there were frequent occasions when the President sent our fleet to guard the disputed territory between the Mississippi River and the Perdido.

It is true that it is the laws of the United States, and not of the States, that the President, under the Constitution, is to see are faithfully executed; but under our system of government the laws of the United States and the laws of the States are in their execution so inseparably interwoven and interlaced that it is impossible that the former can be executed and enforced in a State where anarchy exists; and consequently, under the provision that the President is to see the laws of the United States faithfully executed, he must see to it that anarchy does not exist in the State.

I do not see that we have on this question anything to do with the propriety of Durell's decisions. The President is intrusted with the Army, not to enforce any man's views or opinions; he is intrusted with the duty of enforcing the laws; he enforces the writ which speaks in the name of the United States, and is tested by the Chief Justice and must be obeyed. To hold the President responsible for unjust decisions because he insists that the process of the United

States shall be respected, would be to hold that he must sit in judgment to approve or disapprove the findings of the Federal courts, and would be a commingling of the executive with the judicial functions of greater absurdity, perhaps, than the merging of the powers of Congress with those of the Chief Magistrate as insisted on in this case.

I then submit, Mr. President, that protection from "domestic violence" under the fourth section of the fourth article appeals to the arm, the force, of the nation in an emergency, and is an appeal to the President, because the executive power is vested in him and it is executive power that is required; and because he is Commander-in-Chief of the Army and Navy, he is bound to see the laws faithfully executed; and because it is the United States and not "Congress" that guarantees against "domestic violence." Congress cannot take that power from the President. It is his. Congress may regulate it, may say he shall or shall not use the militia, he shall or shall not use the Army or the Navy; it may take from him all means of performing his constitutional duty, but when he has the means he must perform it.

I do not dispute that Congress may also execute this guarantee. There is, under the Constitution, a mixture as well as a division of powers. The President acts legislatively when he approves or vetoes a bill; the Senate acts judicially in impeachments; the House of Representatives acts as an inquest in its presentation of an impeachment; and the Senate shares the executive power in the matter of appointments and treaties; but the President in his sphere is as independent of Congress as Congress is of him. He may nominate, and with the advice of the Senate appoint, to office; he may convene Congress, and under certain circumstances may adjourn it; he may receive public ministers; he may make treaties, subject to ratification by the Senate; he must see to it that the laws are executed, and he must fulfill the guarantees of the Constitution when that duty appropriately belongs to him.

These powers cannot be taken from him.

Congress has sometimes attempted to encroach upon these powers. It tried to limit the pardoning power, but the Supreme Court sustained the President. In the case known as *Ex parte* Garland, found in 4 Wallace, 380, the court says:

> Congress can neither limit the effect of *his* pardon, nor exclude from its exercise any class of offenders. The benign prerogative of mercy cannot be fettered by any legislative restriction.

And again in 13 Wallace, 128, in a case arising under what is known as Drake's amendment, the court hold a similar doctrine. The House of Representatives, in 1796, attempted to limit the President's power to make treaties, and by a resolution declared that where a treaty depended for the execution of any of its stipulations on an act of Congress, it was the right of the House to deliberate on the expediency or inexpediency of carrying such treaty into effect. The case in question was a treaty with Great Britain.

Washington, in a message of March 30, 1796, denies such power; and Kent (volume 1, page 286) says: "The House of Representatives is not above the law, and has no dispensing power. The argument in favor of the conclusive efficacy of every treaty made by the President and Senate is so clear and palpable as to carry conviction throughout the community." We must be careful, if we intend to preserve this government, how the legislative branch, which is by far the most powerful, encroaches on the executive or on the judiciary.

Governor Kellogg was right in making his application for aid to rest on the Constitution rather than upon any statute.

But I submit that it is perfectly clear that the President was by statute also authorized to afford this protection. The statute of 1795 authorizes the President to use the militia in case of an insurrection in any State against the government thereof on the application of the governor or Legislature.

The act of 1807 substitutes the Army for the militia, and goes further than the act of 1795, and authorizes the President to use the Army not only in cases of "insurrection," but in cases of "obstruction of the laws either of the United States or of any individual State." This certainly was a case of obstruction of the laws of an individual State. I have that confidence in the legal judgment of the Senator from Wisconsin, that I am induced to believe that he will agree with me that the statute of 1807 applies directly to this case. My friend interrupts me, and truly says that the statute of 1807 contains a provision that the President is to use the Army where the militia could be used.

Mr. CARPENTER. Under the then existing law.

Mr. FRELINGHUYSEN. On the construction of the statute of 1807 we join issue; and as that issue is determined the President, so far as he acted under the statutes, was right or was wrong. My friend would strike out of the statute of 1807 the words "in case of obstruction of the laws of the United States or of any individual State." He would limit and nullify those words, because the act further says that he was to use the Army where it was lawful for him to call forth the militia to suppress an insurrection.

In construing a law we must, if we can, give effect to every part of it. I submit that those words, "where it is lawful for the President of the United States to call forth the militia," do not in any way limit or restrict the power given to the President to prevent the obstruction of the laws of a State, but have an entirely different office. They mean this: The statute of 1795 had declared that the President might use the militia where he was called upon by the Legislature or the governor of a State to suppress an insurrection. The statute of 1807 provides that he may use the Army to suppress an insurrection or to prevent the obstruction to the laws of the United States or of any State where he could have used the militia, which is where he is called upon to prevent such obstruction to the laws by the Legislature or by the governor of a State. There is in the act of 1807 no provision excepting this reference back to the act of 1795 requiring the using of the Army to prevent an obstruction to the laws to depend on the President being called upon by the governor or Legislature for the aid of the Army. Let me read the two acts, and I do not see that there can be any difference between us as to their construction. The first act is in these words:

> *In case of an insurrection* in any State against the government thereof it shall be lawful for the President of the United States *(on application of the Legislature* of such State, *or of the executive*, when the Legislature cannot be convened) to call forth such number of the militia of any other State or States as may be applied for as he may judge sufficient to suppress such *insurrection*.

The act of 1807 is as follows:

> In all cases of insurrection or obstruction to the laws, *either* of the United States or of any individual State or Territory, *where* it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection or of causing the *laws to be duly executed*, it shall be lawful for him to employ, for the same purposes, such part of the land or naval force of the United States as shall be judged necessary, having first observed all the prerequisites of the law in that respect.

Mr. CARPENTER. Will my friend allow me to put a question at that point?

Mr. FRELINGHUYSEN. Certainly.

Mr. CARPENTER. We entirely agree that under the act of 1807 the President cannot use the Army or Navy except in cases where by the former law he could use the militia. I understand that to be the Senator's view.

Mr. FRELINGHUYSEN. Not at all.

Mr. CARPENTER. I am speaking simply of the statute, not of the Constitution, now.

Mr. FRELINGHUYSEN. Not by the statute. I hold that under the act of 1807 the President may use the Army and Navy in a case of insurrection, and——

Mr. CARPENTER. Where he could not have used the militia before?

Mr. FRELINGHUYSEN. No.

Mr. CARPENTER. Then I understand the Senator, as I did before, to concede that under the act of 1807 the President is only authorized to use the Army and Navy in that class of cases where by the statute of 1795 he might have used the militia.

Mr. FRELINGHUYSEN. No; we differ again. My position is that he can only use the Army and Navy where under the act of 1795 he could use the militia to suppress an insurrection, but under the act of 1807 he may use the Army and Navy in other cases than to suppress insurrection; he may use them where there is an obstruction to the laws of an individual State.

Mr. CARPENTER. I now understand the Senator's position. That was all I wanted to do.

Mr. FRELINGHUYSEN. I think it would be contrary to all rules of construction to hold that you are to strike out those words "in case of obstruction to the laws of the United States or any individual State," and give them no significance.

Mr. CARPENTER. Does not my friend do the same thing with the words "in cases where by law he is authorized to use the militia?" I take that to be a description of the case in which the President is authorized to use the Army and Navy. It must be a case where prior to the act of 1807 he could have used the militia. Then under the act of 1807 he may have used the Army and Navy instead of the militia. Then go back to the former law to see where he may use the militia in a State; and it must be a case of insurrection in a State against the government thereof.

Mr. FRELINGHUYSEN. No, Mr. President; the significance of those words "where he could use the militia" is this: where he is called upon by the governor or the Legislature, as is provided in the act of 1795 in reference to the militia. It will be observed that there is in the act of 1807 no other provision requiring the use of the Army and Navy to depend upon the call to be made by the governor or Legislature. We thus give effect and force to every word of the act of 1807. By giving the construction to the statute of 1807 which my friend insists on, we strike out the words "in cases of obstruction to the laws of the United States or of any individual State," and also leave the act without any provision whatever making a call by the governor or the Legislature a necessary precedent to the use of the Army and Navy. The President was authorized by the Constitution standing alone, and was authorized by the statutes, to give the protection he did to Louisiana.

Now let me consider the second proposition, namely, that the United States is not authorized to order a new election in Louisiana. The Constitution provides that the United States shall guarantee to each State government peace, tranquillity, freedom from anarchy, and disorder; second, its guarantee is that each State shall have a government in form republican; that it shall not be in its frame-work an aristocracy, where authority is vested in a privileged order; that it shall not be a democracy, where the people in person exercise the sovereign power; the government shall not be a despotism, where the

absolute power is exercised by a man or men without constitutional restraint; but that the government shall be in form republican, where the supreme power is intrusted to representatives elected by the people.

The Constitution says—and whether right or wrong we are controlled by it, and it is beyond all argument—that we are only to guarantee a republican form of government with order and tranquillity; and when we insist that full and accurate significance shall be given to the word "form" as it occurs in this provision of the Constitution we are not sticking in the bark, we are not superficial, but we are going to the very root of the matter. We are claiming that the Federal Government only has to do with the form, leaving the substance, the administration of the form of government, to the people of the States. Those who would ignore this word "form" from the restricted grant of power given by the States under the constitutional compact to the Federal Government would usurp the very substance to the Federal Government, and leave only the "form" or shell of republican government to the States.

The Senator from Wisconsin submitted this well-considered sentence to the Senate:

If I am right in saying that it is the vital element of republican government that its rulers are chosen by the people, it follows that the present government of Louisiana, lacking this, is not a republican government.

I do not object to his definition. Republican government is one the vital element of which is that rulers are elected by the people. Ten years ago a majority of the people of Louisiana had no voice in electing the rulers. Was it a republican government? I do not say that it was. It certainly was not, under the definition stated. But as Congress had no right except over the form of government, it was never claimed that under the guarantee clause of the Constitution Congress could give the right to vote to the disfranchised majority of the people of that State. It required an amendment to the Constitution before that could be effected.

This word "form" is not a matter of chance as it occurs in this Constitution. The people of the Southern States, when they entered into this compact, knowing that large portions of their populations were disfranchised, and not intending that they should have a voice in the election of rulers, would never have agreed to insert in the Constitution that the Federal Government should see to it that their State governments should not only be republican in form, but also should see to it that the rulers were elected by the people. They stipulated that all the people should be considered and counted in the apportionment of representation, but not so in the election of rulers. If we turn to the history of this word "form" in the Constitution we find that it was carefully selected. I read from volume 2 of the Madison Papers. On the 29th of May, 1787, this resolution was introduced by Edmund Randolph as part of the plan for the Constitution, page 734:

Resolved, That a republican government—

Using the words the Senator from Wisconsin insists on—

ought to be guaranteed by the United States to each State.

That resolution came up again on the 18th of July, when this change took place, (page 1139:)

Resolved, That a republican constitution—

A very different thing; now it is being changed to a matter of governmental frame-work—

Resolved, That a republican constitution ought to be guaranteed to each State by the United States.

On the same day Mr. Randolph (on page 1140) caught the idea and changed his proposition in this wise:

Resolved, That no State be at liberty to form any other than a republican government.

This is a guarantee against despotism, against aristocracy, against democracy. That was considered awhile, and eventually Mr. Wilson moved that which was finally adopted, no one dissenting:

Resolved, That a republican form of government shall be guaranteed to each State.

It is the very substance of republican government that we give them order, tranquillity, peace, government; and we see to it that it is republican in form, and that we leave it to them to regulate their own affairs.

My friend may ask whether I am content that the people of Louisiana shall be the victims of fraud, and that their rulers shall be elected by chicanery. No, Mr. President; I am not content. I am not content that republican government does not exist in Turkey or in Russia; but we have no power to give those nations republican governments. We have more power, it is true, over the States than we have over those kingdoms, but we have no more power over the States than is granted to us in the Constitution, which is to give them government, and that republican in form. We regret to see men waste their estates and destroy their health in dissipation; but the value of individual freedom prevents such legislative restraints as might prevent the evils. Better have individual freedom with the evils than destroy it by chafing restraints. So better let the State election be free with the evils than impose restraints and supervisions that impair the freedom of the State.

Mr. CARPENTER. I want not to answer the Senator, but simply to ask him a question, as he did me the other day, so that I may distinctly understand him. Does he maintain that in case the three branches of government in Louisiana to-day, that is the men holding those three branches of government, shall collude together, the court to decide all questions in favor of the other two, the other departments to administer everything in their common interest, to keep themselves in power under the present existing republican constitution of that State during their natural lives, and they should do so for fifteen years, would Congress have any power to interfere, the form—that is the constitution—being conceded to be republican?

Mr. FRELINGHUYSEN. That is not a case before us.

Mr. CARPENTER. It is two years before us.

Mr. FRELINGHUYSEN. I think I will show the case supposed is not before us at any time. It is difficult to solve questions put in this manner out of the order of debate; but my answer is: that if after repeated trials in a State, where we have performed our duty of giving them order and government, and of seeing to it that it is republican in form, it should turn out that the people were so depraved, ignorant, and degraded, so unfit for the blessings of republican government, that they abused all their privileges, I suppose it would then be incumbent upon us to fulfill that guarantee of the Constitution *pro tanto*, to fulfill it just as far as we could, and to give them government, even if it was under a military commission. But, sir, we will never be called upon to resort to that extreme measure, unless the extreme case which my friend has supposed, of the executive, legislative, judicial branches of government, and the people themselves, all combining in one dire conspiracy to destroy themselves.

Mr. CARPENTER. Let me correct my friend as to the effect of my question. My question meant this: Where the judges of the supreme court, the members of the Legislature and the executive department, the governor and the other officers, should combine among themselves to hold the people under their government, and the people should be of course resisting that, and the government should apply to the President to sustain it, and the President should interfere, and then the question should be presented to us whether, after that thing had continued for ten years, and they had avowed their purpose of continuing for life, we should have any power whatever to interfere? The particular case is only put to test the Senator's argument of the distinction between our guaranteeing a republican government and what he calls a republican form of government.

Mr. FRELINGHUYSEN. I think I have answered that question. I say that we are bound to carry out the guarantee of the Constitution. If the people are so entirely unfit for a republican government, we must still give them government, even if it is a military commission. But no such state of things will exist. You can suppose a condition of things which will prove that any government is inefficient and unfit for the purposes for which it is inaugurated.

Mr. President, if the Federal Government can, in the exercise of its arbitrary discretion—a discretion from which there is no appeal, and to which there is no review, not even by the people, for we are not responsible to the people of Louisiana for the votes given here—if the Federal Government can, in the exercise of this arbitrary power, set aside the election of governors and Legislatures of the States, then there is an end of the independent government of the States. I submit that the procedure here contemplated is without precedent in the General Government, and without analogy in any of the State governments.

As a matter of necessity, deliberative assemblies must be the judges of the qualifications of their own members. We judge of the qualifications of Senators, and the House of those of Representatives. But further than this necessity extends was it ever heard of that an election of a State officer, a governor, a State treasurer, a comptroller, was set aside by a political body? An election is never set aside even by the judiciary. It is submitted to a dispassionate and impartial tribunal of justice, not to set aside an election, but to determine whether the claimant was ever elected.

Order a new election in Louisiana, and you have established a precedent that must impair elective government. Excited parties enter upon a strongly contested election; the one party is in harmony with the dominant party in Congress, (perhaps a Senator is to be elected by the Legislature;) that party seeks by violence and fraud to obtain success, and when it fails comes to Congress and makes that very fraud and violence the pretense for covering their defeat and for having the election set aside, and for having a second trial with the adverse party who were successful damaged and disgraced by having their victory set aside. No, sir; better far let the States suffer for their own misdeeds, even the innocent with the guilty; their suffering will lead them to cure the evil. Admonished by the evil results of a vicious election, in the calm periods that intervene between elections all parties will unite in devising and adopting safeguards to secure honest elections. Registry laws, poll-lists, proper places for the polls, police regulations, and severely penal statutes will be adopted as the means of preventing the repetition of the evil. We had better adhere to the Constitution and do what it says, which is that we shall guarantee to the several States government; which we did with Louisiana when we sent our troops there preserving order and tranquillity; and that we shall guarantee to them a republican form of government; which we did when we approved the constitution of Louisiana under which form that government is now carried on.

If there are frauds in elections or usurpations in office, let the remedy be found in the courts of the States or by means of impeachment,

or by the frequently recurring popular elections. But let us adopt the theory that we are under the guarantee clause of the Constitution to interfere with States further than to secure to them order and tranquillity and a republican form of government, and that we are to see to it that the proper persons are in power, still I insist that Congress is not to order a new election in Louisiana. If Congress is to interfere, and there is one whom we know has been duly elected, and who under the constitution of Louisiana is entitled to the office of governor, Congress surely is not to interfere by ordering a new election, but by placing the one entitled to the office by election and by the Louisiana constitution in power.

This election contest between Kellogg and McEnery was on November 4, 1872. On that day Warmoth was unquestionably the duly elected governor of Louisiana. We are called upon to order an election because no one has since been declared duly elected. But that is just the case which the constitution of Louisiana, as approved by us, provides for when in the fifteenth article, on the twenty-second page of this case, it says that the—

Governor shall continue in office until the Monday next succeeding the day his successor shall be declared duly elected.

If any one has in the sense of the Louisiana constitution been duly declared elected since the 4th of November, 1872, there is no pretense for our ordering a new election. If no one has been so duly declared elected, then Warmoth is governor until the Monday after such declaration, and our business is to reinstate Warmoth and not to order a new election. Can it be insisted that when the constitution provides that one elected by the people shall continue in office until a successor is elected we may interfere and deprive him of his office? If we interfere, it must be to place him in power.

Mr. CARPENTER. Will my friend allow me at that point a question? Taking that view of the case, suppose Governor Warmoth had continued to break up every election from 1872 on, and had been there four or five years as governor under that provision, would not Congress then have a right to interfere and order an election for the purpose of establishing a republican government in that State?

Mr. FRELINGHUYSEN. I do not see that what Warmoth might have done or might not have done alters the constitution of Louisiana. By that we are to be regulated and not by the vagaries of Mr. Warmoth. That constitution declares that Warmoth shall be governor until the Monday next after his successor is duly declared elected. Do not understand me to be in favor of reinstating Warmoth. I am not. I use the argument to show that we had better live up to the Constitution of the United States, guarantee to each State order and a republican form of government, and let the States determine for themselves whether they will have a Warmoth or a McEnery or a Kellogg as governor.

But again, Mr. President, if Congress should not reinstate Warmoth, still it should not order a new election; for the author of the bill we are considering tells us that McEnery had a majority of 9,606 votes over Kellogg. The returns themselves have been brought by subpœna from Louisiana and were before the committee; and the Senator from Wisconsin says that—

Ray McMillen and Pinchback were before the committee conducting their respective sides of the case, and they all agreed that those were the returns, and agreed that those returns showed the result that had been arrived at by the De Feriet board that McEnery had 9,606 majority. There was no contest about it.

Some question in debate was made about there being forgeries in these returns, and the Senator from Wisconsin adds a note to his very able speech showing that that does not change the result. I may show what those returns are presently. They are paper; if true, valuable; if false, worthless; but I am looking at the case from my friend's stand-point. If we are to interfere it should be to install McEnery, not to destroy his election, for it is certainly as essential to a republican government that one elected to office should fill the office as that one not elected should not fill it. But the Senator from Wisconsin does not favor installing McEnery for this reason: He says "although of the ballots actually cast McEnery had a majority, yet in consequence of the frauds committed previous to the election that result utterly reverses what was the wish and intention of that people." That is no reason why McEnery should not be installed. If he had 9,606 majority of the votes cast he was *prima facie* governor, entitled to his seat, subject to being subsequently removed by judicial proceedings.

Mr. CARPENTER. Notwithstanding he obtained them by fraud?

Mr. FRELINGHUYSEN. Notwithstanding he obtained them by fraud.

Mr. CARPENTER. I cannot see now where would be the republican government.

Mr. FRELINGHUYSEN. In the State of Wisconsin Barstow was elected governor. (I refer to the case of Bashford *vs.* Barstow, fourth Wisconsin Reports, page 398.) He was not the true governor, he was not fairly elected, but he was inaugurated, sent his message to the Legislature, and acted as governor I think some sixty days, when an information was filed in the court of Wisconsin averring that Barstow was not elected but that Bashford was, and the result was that Barstow was ousted and Bashford inaugurated; and although, as I have understood, the incumbent had stacked the State-house with arms, the noiseless, silent power of the law ousted him and placed the true governor in power. So it would be no novelty that McEnery with his 9,606 majority should be placed in office and afterward removed therefrom when the fraud should be proven. Do not let me be understood as favoring the idea that McEnery should be made governor, for I do not. I insist that it would be more logical than to order a new election. I make the suggestion to show that we better stand by the Constitution of the country, and secure to every State order and a government republican in form.

But, Mr. President, again, it is not only more logical to install Warmoth or McEnery than to order a new election, but it is more logical to leave Kellogg in power than to order a new election. Kellogg since 1872 has in fact been governor of Louisiana, and is now. Laws have been enacted with his approval, contracts have been made, rights have vested, the people of Louisiana have order, and government republican in form. That is not all. He is governor in accordance with the will of the people of Louisiana if the conclusions of the Senator from Wisconsin are correct, and he has given this subject much attention. In his recent speech he says:

So I believe, from this testimony and from the whole history of the case, that although of the ballots actually cast McEnery had a majority, yet in consequence of the frauds committed previous to the election, that result utterly reverses what was the wish and intention of that people.

* * * * * * *

My belief is, that if any judicial court to-day had jurisdiction of the question in Louisiana, the result of that election, as held, that is to say the result of the ballots actually cast, would be shown to be that McEnery was elected; but I am equally well persuaded that the result misrepresents the will and the intention of the people of that State on that election day, and that it was in consequence of these frauds and obstacles in the way of registration, and the fraudulent location of voting places, that Warmoth was able to carry that State by from six to nine thousand majority in favor of McEnery.

And in his speech of the 4th of March:

I do not think that McEnery was in fact elected, although the returns show that he was.

Mr. President, shall Congress in its interference disregard the claims of Warmoth under the constitution of Louisiana, disregard the claims of McEnery, who had nine or ten thousand majority, and turn out of office one who is now quietly discharging the duties there and has been since 1872, when we are told by the very mover of this measure that he is governor in accordance with the wish and intention of that people? I cannot come to that conclusion.

The Senator from Wisconsin, in speaking of the election in New York in 1868, says:

Griswold was elected, but Hoffman was canvassed in as governor of that State.

And he says that we should not interfere in that case, "not because Congress did not possess the power, but because such a case would not justify the exercise of it. Indeed each case must be judged of by its own circumstances and surroundings; and while Congress ought not to exercise this power on slight occasions, or to correct mere irregularity not productive of important consequences, yet in a case like this it would seem that if Congress possessed the power it ought to be exercised."

And in this case one of the circumstances to be considered is that Kellogg is and since 1872 has been exercising the duties of his office; that he is in office in accordance with the wish and intention of the people, to use the language of the Senator. It is strange that my friend should conclude that the Federal Government should not interfere in a case like that of Hoffman when, according to his hypothesis, "Griswold was elected and Hoffman canvassed into office," and interfere in Kellogg's case. We ought not to interfere when one is in office against the will of the people, but we should interfere where the incumbent, he assures us, is in office in accordance with the wish and intention of the people. Is not the case of Hoffman much stronger than that of Kellogg; Hoffman misrepresenting and Kellogg representing the will of the people? If we were to adopt my friend's new theory in either case, we should have commenced in the case of New York and not in that of Louisiana.

Mr. CARPENTER. Will my friend allow me to interrupt him at that point?

Mr. FRELINGHUYSEN. Certainly.

Mr. CARPENTER. The vast difference between the two cases cannot fail to strike the Senator. In New York the governor alone was questioned, the Legislature was not questioned. The governor was not the law-making power. In Louisiana the whole law-making power of the State was in the same condition, and that bogus government may pass laws, may levy taxes, may repudiate the State debt; and all those things may be done by men not elected. In New York they could not do it. That is the difference in the magnitude of the two cases. I do not say there is any difference in the power, but as to the expediency of exercising it in one case, the evils to be feared from it are totally different from what they are in the other.

Mr. FRELINGHUYSEN. My friend cannot have failed to observe that I have said nothing about the Legislature of Louisiana. For all that I have said, he does not know but that I am in favor of his bill, so far as the Legislature is concerned. I have only treated of the governor's election, and his remarks referring to the Legislature of Louisiana are entirely foreign to the subject we are discussing.

Mr. CARPENTER. If that be so, there can be no difference in the case where one man holds a seat in a Legislature without an election, and a case where the whole Legislature hold without election.

Mr. FRELINGHUYSEN. If there is no difference between a governor and one member of the Legislature, the remark is pertinent; but inasmuch as the governor is but one branch of government, it is not pertinent.

Mr. CARPENTER. He is not the whole law-making power.

Mr. FRELINGHUYSEN. No; he is not.

Mr. MORTON. I suggest to the Senator, if he will permit me, that if Kellogg does represent the majority of the people of Louisiana, as seems to be conceded, it is equally certain that the Legislature represents the majority of the people of Louisiana.

Mr. FRELINGHUYSEN. And the singularity further about my friend's plan is that he would turn Kellogg out, although he represents the wish and intention of the people, because he has not a majority of the votes, but would not turn McEnery in, who has 10,000 majority; so that it seems this 10,000 majority is good as against Kellogg, but worthless in favor of McEnery.

But, Mr. President, passing by the question as to the constitutional power of Congress to do more than to preserve order and to secure a republican form of government, passing by the question of Warmoth, McEnery, and Kellogg, let us see whether a case is made in which we should order a new election.

The first thing to be established is that no one was elected governor, for if any one was, our duty, if we interfere in any way, clearly is to install the person so elected. On the 4th of November, 1872, an election took place. It had all the forms of an election, registration, polls, poll-lists, ballots, returns, registers, supervisors, &c. There were but two candidates, McEnery and Kellogg. One of those two men in fact had a majority of the legal votes cast unless there was a tie, and then we have nothing to do with the case, as the constitution of Louisiana provides that in that event the Legislature elects. One of the two must have had a majority of the legal votes; so the case cannot exist for a new election based on the fact that no one was elected. If we are to interfere it must be to find out who was elected governor and to place him in office.

To ascertain who by a majority of legal votes cast is entitled to an office, I had supposed was a matter over which the State courts had jurisdiction. If for any reasons the State courts have not jurisdiction, or if so corrupt that they cannot be trusted, then if we are to interfere we must address ourselves to the question, Who was elected? It cannot be advocated that, where it is a mathematical certainty that one of two candidates was elected, Congress shall order a new election, and thus set a premium on fraud. But we must find out who was elected.

The question as to who was elected governor does not seem to have attracted the attention of the Committee on Privileges and Elections. There were two things referred to that committee: first, whether there was any government in Louisiana, and second, whether the Legislature which elected McMillen, or that which elected Ray, was the true Legislature; and the attention of the committee was directed to finding out which was the true board of canvassers, so as to determine which was the true Legislature, and thus to decide whether McMillen or Ray was *prima facie* entitled to the seat in the Senate which expired on the 4th of March last, and there is but little evidence as to who was elected governor. I am sorry there is not more; but the burden of proof is with those who seek the removal of one who has for two years acted as and claimed to be governor.

I submit that the moral evidence that McEnery had not a majority of the legal votes cast, and that consequently Kellogg had, is to my mind irresistible. Warmoth had the purpose, the intent, to carry that election by fraud. This is apparent, and is conceded. It is notorious that he, elected a republican, was to give the State to the democracy, and as a return was to grace the United States Senate. His legislature I understand, attempted to elect him, but this project was abandoned because it was thought it would interfere with the recognition of the State government by the General Government. He appointed a man named Blanchard to be register. That man has made an affidavit. If the affidavit be true his character is such that no one can approve; if it be untrue, comment is unnecessary. Blanchard appointed the supervisors in each parish or county, and the supervisor in each parish appointed three commissioners. To these were added three freeholders, who, with the commissioners, assisted the supervisors of the parish in counting the votes of the precincts. And we see at a glance that Warmoth could cheat Kellogg, but that Kellogg could not cheat Warmoth or McEnery. One could cheat. The organization of the election throughout the whole State originated with and was controlled by Warmoth. It is not denied that Warmoth meant fraud, and that he had the power to effect it. There was one circumstance which afforded great facility in carrying out this fraud. Almost every republican that came to the polls to be registered had a mark on him which said "I belong to the republican party;" he was a colored man. There were exceptions. There were some white republicans, but they were not so numerous that they were not known, so that it was an easy thing to make it difficult to get registration, or to secure the requisite identification between the voter and his registration papers.

It appears, then, that the McEnery party had the purpose to cheat, and had the organized machinery to effect their end. It looks as if, after all, the republican majority was too great for them. Warmoth knew that it was of the first importance that he should satisfy the public that McEnery had a majority, and how easily he could have done so. Instead of maneuvering to get a facile board of canvassers, instead of resorting to a legislative bill, which he as governor had carried for six months in his pocket and signing it so as to create a member of the canvassing board that suited him, all he need to have done was to call in twenty honest men in the State of Louisiana, republicans and democrats, take them to the State-house and there say, "Here are the returns; add them up in the presence of these interested parties." It was only a matter of addition. They could have publicly added them up, showed the result, and if any one standing by said "Those returns are false," all he need have done was to send to the supervisor of the parish whom he had appointed, and request him to bring the ballot-box and say, "There are the ballots; the returns are not false;" and if any one charged that the ballot-box had been stuffed or that there had been votes abstracted, all he need have done was to send for the poll-lists and say, "There are the poll-lists; they correspond with the ballots;" and if any one charged that the poll-lists were false in a given precinct of such a parish, all he need have done was to send a justice of the peace to that parish; every man who had there voted had indorsed on his registration papers the fact that he had voted, and if a living man he could swear how he had voted.

Now, Mr. President, when one bent on fraud has it in his power to prove to a demonstration that his candidate is elected and shirks the investigation, it is moral evidence, irresistible, that the investigation would have proven that his candidate was defeated.

Mr. CARPENTER. Will my friend allow me a word at that point?

Mr. FRELINGHUYSEN. Yes, sir.

Mr. CARPENTER. The Senator does not claim, of course, that there is any law authorizing any such investigation, or that anybody would have been indictable for perjury who should have come before that town meeting which he imagines, and sworn falsely?

Mr. FRELINGHUYSEN. That is the best answer which can be made. But it is a matter perfectly immaterial whether the twenty honest men, ten democrats and ten republicans, whom he might have selected, were officials or not; the effect of their determination would have been the same on the public. There is in the case nothing that requires any oath; it is a matter of adding up the returns, and a matter of occular demonstration whether the ballots correspond with the returns, and whether the poll-lists conform with the ballots in the box; and the only situation in which an affidavit could be required is that of a charge being made that in some precinct the poll-list was false, and you would seek the voter with his registration paper with him, to ask him how he voted. Some one could have been found under their laws to take such affidavit.

Mr. President, did not Warmoth know that investigation would prove his candidate not elected? At all events, is there affirmative proof that McEnery was elected on which we can remove Kellogg? But instead of doing all this, Mr. Warmoth comes to Congress, not to ask that his candidate may be installed in office; but he comes to ask that he may not be installed in office. That would lead to investigation. He asks that we will order a new election. And the wonder is that in the Senate, among those who thought it unconstitutional to set aside the State Government when in the hands of those who had sworn hostility to the United States Government, among those who thought it unconstitutional to set aside those mockeries of government that Andrew Johnson had erected, now hold it to be constitutional at the instance of Mr. Warmoth to go into Louisiana and to regulate the domestic elections of that State!

Mr. President, views similar in some respects to those which I have expressed are set forth in the report of my friend from Wisconsin; for he agrees with me as to the vicious character of this election:

> A careful consideration of the testimony convinces us that, had the election of November last been fairly conducted and returned, Kellogg and his associates, and a Legislature composed of the same political party, would have been elected. The colored population of that State outnumbers the white, and in the last election the colored voters were almost unanimous in their support of the republican ticket. Governor Warmoth, who was elected by the republicans of the State in 1868, had passed into opposition, and held in his hands the entire machinery of the election. He appointed the supervisors of registration, and they appointed the commissioners of election. The testimony shows a systematic purpose on the part of those conducting the election to throw every possible difficulty in the way of the colored voters in the matter of registration. The polling places are not fixed by law, and at the last election they were purposely established by those conducting the election at places inconvenient of access in those parishes which were known to be largely republican; so that, in some instances, voters had to travel over twenty miles to reach the polls. The election was generally conducted in quiet, and was perhaps unusually free from disturbance or riot. Governor Warmoth, who was the master-spirit in the whole proceeding, seems to have relied upon craft rather than violence to carry the State for McEnery. In the canvass of votes, which determined the McEnery government to be elected, the votes of several republican parishes were rejected.

Mr. President, I further submit that, as might be expected from the circumstances referred to, we have nothing amounting to evidence that McEnery had any majority, and for these five reasons: First, the question has at best been only incidentally examined by the committee; second——

Mr. CARPENTER. The Senator overlooks the fact that we had two inquiries before the committee: one, whether there was a State government in Louisiana. It is therefore not incidentally before us, but directly.

Mr. FRELINGHUYSEN. I will come to that. My second reason for saying that we have nothing amounting to evidence of McEnery's election is that from six out of fifty-eight parishes we have no returns; third, from several of the parishes the returns are forgeries; fourth, from one at least it is in proof by an eye-witness that the returns were manufactured and sworn to in blank before they were made.

Mr. CARPENTER. What case is that?

Mr. FRELINGHUYSEN. I will give it to you presently. Fifth, the preponderance of evidence is that Kellogg and not McEnery had a majority of the votes cast. Now I will say a word or two on each of these points.

That the committee did not give their attention to the question whether Kellogg or McEnery had the majority, no matter what the resolution says, is manifest from an examination of the case. Their attention was given to the question which was the true canvassing board so as to determine which was the true Legislature, in order that they might determine whether Ray or McMillen was *prima facie* entitled to be Senator; and if you want proof that this phase of the subject has not been examined, you have only to look to the report. On the last page of the book is this testimony; one witness, Mr. Ray, says:

I desire to call the attention of the committee to a statement. At a suggestion made by one member of the committee yesterday, I examined and found, and if the committee will act as experts they will find, that the commissioners of elections in several cases in the parishes have their names forged to the affidavits.

Mr. CARPENTER. In the parishes named, naming four parishes.

Mr. FRELINGHUYSEN. I do not think that is the meaning; but I will read it just as it is:

If the committee will act as experts they will find, that the commissioners of elections in several cases in the parishes have their names forged to the affidavits. For instance, there is one from Madison Parish, [exhibiting the papers,] and so in the parish of Grant also, and in the parish of Point Coupée and the parish of East Baton Rouge, which, if the committee will examine as experts, they will find it very evident in some cases that they were forged.

The CHAIRMAN. We will now consider the evidence in the Louisiana investigation closed, as I am advised by both sides that they have laid all the testimony before the committee that they desire to present.

Mr. CARPENTER. The returns being before the committee.

Mr. FRELINGHUYSEN. Mr. President, we are called upon to determine that Kellogg is not governor, when it was in proof before the committee that in several cases the returns were forged, the witness instancing four cases, and not a question was asked or any testimony taken in reference to the matter. Why, you might as well throw up figures on cards to see how they will land in order to solve a mathematical demonstration as to establish a majority by such testimony.

Mr. CARPENTER. Will my friend allow me a word? These returns were before the committee. Mr. Ray, the witness called there, did not pretend to have any knowledge about it except what arose from looking at the papers.

Mr. FRELINGHUYSEN. That is all.

Mr. CARPENTER. He and Mr. McMillen, both being Senators as they claimed, and therefore perfectly competent to settle this question for themselves, attached no importance to that from the fact that it did not change the result if it was so; and the returns were left with the committee after that time.

Mr. FRELINGHUYSEN. I will pay attention to those returns before I close, and in a few minutes. It is clear that the committee did not attempt to find out what returns were forged and what were not, for on the presentation of this controlling fact the whole testimony was closed and the report is based on the testimony as it then stood.

Again, from six out of fifty-eight parishes we have no returns—Iberia, Iberville, Saint James, Saint Martin, Saint Tammany, Terrebonne—as appears by the certificate of the Forman board found on page 81 of the report. It is said that three of these six parishes were rejected because of violence. Forman says so in his testimony on the seventy-sixth page. They have given no evidence of the violence excepting in one case, and that is spread out from the six hundred and fifth to the six hundred and forty-first page—thirty-five pages of evidence relating the alleged violence in the parish of Iberville. This was a republican parish, having a strong preponderance of colored votes. There were from seven to eight hundred white votes and three thousand colored votes registered. The white vote was made up, as we know, of the democrats, and in that parish of democratic planters. To their credit be it said that there seems to have been no man in the parish who suited Mr. Warmoth as supervisor, and a Mr. Tharp was brought from New Orleans and was made supervisor. The commissioners took the ballot-boxes with the poll-lists to Plaquemines. The colored men were orderly, but when voting was over they armed and followed the ballot-boxes to Plaquemines. They claimed the right to go into the State-house. The sheriff prohibited them. They had a right to go in. We would have gone in. They, intent and earnest, watched that ballot-box. When one party would grow weary others would relieve them, and they stood at the windows watching the boxes.

In all the testimony of thirty-five pages there is no evidence of one act of violence; and that is one of the three parishes the returns of which were rejected because of violence. What the violence was in the other two parishes they have not had the grace to give us one word of testimony to inform us. There was no violence. There was no reason that the ballots should not have been counted and the returns made up, excepting that it was a strong republican parish. I will show presently the effect of the exclusion of these parishes.

The returns from several of the parishes are forged, but they all go in to make up McEnery's majority, as we shall see presently. The Senator from Wisconsin very fairly, in a calculation with which I, having gone over the figures, entirely agree, makes a deduction for those parishes. From one of the parishes the returns were manufactured; and there my friend asks me for the evidence, and I will trouble the Clerk to read from pages 909 and 910 of the testimony—that which I have marked.

The Chief Clerk read as follows:

STATE OF LOUISIANA, *Parish of Orleans, City of New Orleans:*

Personally came and appeared before me, Robert H. Shannon, United States commissioner in and for the district of Louisiana, John P. Montamat, of the city and State aforesaid, who, being duly sworn, doth depose and say that during the month of November, 1872, and for four years before, he was a justice of the peace for this parish of Orleans; that in the month aforesaid, after the election held in this parish for governor and other State and parochial officers, "what date I cannot recollect, but it was while they were counting the votes at the State-house, at the Mechanics' Institute, situated on Dryades street," one Jack Wharton, also of this city and parish aforsaid, came to my office, situated No. 33 Exchange alley, near Custom-house street, in this city and parish aforesaid, and requested that I should go with him in a certain place in this city of New Orleans, in order to administer the oath to one of the supervisors of election in and for the parish of Madison. At said request I went with Jack Wharton, who took me in a house situated on Gravier street, somewhere near Barronne street; the entry-doors were closed, and at the signal given by Jack Wharton, (three consecutive and hard raps,) the doors were opened. In the said room I saw one Cahoon, whose first name I do not know, but whom I had seen before in this city; he, the said Cahoon, then and there informed me that he was the supervisor of election for the parish of Madison, appointed by Henry C. Warmoth, then governor of Louisiana, and that he wished me to swear him as to the returns of the late election. I saw there several persons whom I did not know; they were making up tally-lists of the returns of the election for the parish of Madison. The lists were signed in blank by the commissioners of election. I inquired from Cahoon, the supervisor, how it was that he had not prepared the lists and returns in the parish where he came from. He told me that he could not count the votes there; it was a republican parish, and that he had to run away because he wanted to count the votes, and admit no one except a few, and he would have it his own way, and would here in New Orleans return such persons as he thought proper. I swore him to several tally-lists and returns. I believe, to the best of my knowledge, that the greater part of the tally-lists were yet in blank when I swore him.

JOHN P. MONTAMAT.

Subscribed and sworn to before me this 3d day of February, 1873.
[SEAL.] R. H. SHANNON,
United States Commissioner, District of Louisiana.

Mr. FRELINGHUYSEN. There was a secret place entered by arranged signals where officers were engaged in making up returns, a number of which were sworn to in blank and filled up afterward. Now read, if you please, the rest of that marked.

The Chief Clerk read as follows:

Question. Taking your estimate of the votes in these parishes where these frauds are charged, if the vote had been fairly counted, what would have been the result as compared with the vote in the parishes where no frauds are charged?

Answer. I do not understand your question.

By Mr. HILL:

Q. What would have been the effect on the general election?

By Mr. LOGAN:

Q. What would have been the result of the election?

A. O, if there had been no frauds in these parishes, and they had returned the vote as they did in some of the parishes, fairly, they would have given the republican ticket a very large majority, according to their own returns.

Q. In the State?

A. Yes, sir; in the State.

Q. Do you speak of the votes actually cast, or the voters in the district?

A. I refer to the voters; but the votes actually cast, in my judgment, if properly returned, would have given the republican party a majority in the State. I have no doubt of that.

Q. That is, the votes as they were actually cast?

A. Yes, sir; as actually put in the boxes.

Mr. MORTON. I ask what parish that was?

Mr. FRELINGHUYSEN. A parish some two hundred miles away.

Mr. WEST. The parish of Madison.

Mr. MORTON. How far away?

Mr. WEST. It is three hundred miles from New Orleans.

Mr. FRELINGHUYSEN. Mr. President, let us look at the effect of the facts I have called attention to upon McEnery's majority. They claim for McEnery a majority of 9,606. The four parishes where there were forgeries and the six parishes from which there are no returns, according to the Lynch board, give Kellogg a majority of 7,295.

Mr. CARPENTER. It is not pretended that all the returns in those parishes were forged, but only one or two of them.

Mr. FRELINGHUYSEN. It probably is much worse than those four parishes. They are mere illustrations. The returns from those the witness holds up and says, for instance, these are forged. He says there were forgeries in several parishes, and instances these four. Now take the 7,295 majority in six parishes not returned and in four in which the returns were forged from the 9,606, and it leaves McEnery's majority, as the Senator from Wisconsin agrees, 2,611. Now let us see what becomes of that 2,611 majority. Let anybody who wants to examine this read the three hundred and sixth page of the testimony which was sent here with the President's message. There is Caddo Parish. The white registration was 1,549 and McEnery's vote 1,837—nearly 300 more than the white registration. The colored registration was 3,139, and Kellogg's vote 1,576, or 1,563 less than the colored registration. This shows fraud not before but after the election. It points to a falsification of returns, for frauds in keeping men back from the polls probably would not give McEnery 300 more votes than there were white votes registered.

Mr. CARPENTER. How can you tell whether a ballot was cast by a black man or a white man?

Mr. FRELINGHUYSEN. No; but my friend's report states that the colored men were republicans as a general rule, and the whites democrats. Take Rapides Parish. The white registry was 1,011; McEnery's vote was 1,930, or 949 more than the white registration. In Natchitoches the white registration was 1,486, and McEnery's vote

1,230; the colored registration was 1,875, and Kellogg's vote only 55. In Bossier Parish the white registration was 578; McEnery's vote 953, or 375 more than the white registration; the colored registration 1,795, and the vote for Kellogg 555. It is perfectly apparent that the fraud was in the returns as well as in the manner in which the election was conducted.

But again, take another view of these returns. There are fifty-eight parishes in Louisiana. In twenty-four—Ascension, Bienville, Calcasieu, Caldwell, Cameron, Carroll, Claiborne, Concordia, East Feliciana, Franklin, Jackson, Jefferson, Lafayette, Livingston, Ouachita, Pointe Coupée, Red River, Sabine, Saint Bernard, Saint Charles, Saint John Baptist, Tangipahoa, Tensas, and Orleans—which are those where there is not much difference between the two boards of canvassers in the result, in those twenty-four parishes by the Forman board there is an aggregate of 36,679 democratic votes and 36,203 republican votes, giving a democratic majority of 476. According to the Lynch board the republican vote was 35,590 and the democratic vote 33,817, giving a republican majority of 1,673. The Forman board gives a democratic majority of 476 and the Lynch board a republican majority of 1,673, no very great difference for such an election; average it, and call it a majority of 1,000 for Kellogg. The vote was close and the registration was correspondingly so. The white registration was 52,979 and the colored registration was 51,469. The democratic vote and the white registration, the republican vote and the colored registration correspond.

Now look to the remaining thirty-four parishes. By the Forman board the democratic vote is in the aggregate 27,788; the republican vote 20,170, giving a democratic majority of 7,618. This is manifestly a fraud, and is thus shown. In those thirty-four parishes the registration of whites was 34,786, and that registration gives a democratic vote of 27,788. The registration of the colored people was 42,879, and that gives a republican vote of only 20,170. If the same ratio of republican votes was given for the 42,000 colored registered voters as of democratic votes given by 34,000 white registered votes, which was 27,788, the republican vote would be 35,000 instead of 20,170.

Now let us see what becomes of McEnery's majority. The difference between 35,000, the true vote by all the analogies of this case and according to the Lynch board, and the 20,170 that the Forman returns give for these thirty-four parishes is 14,830. Take from that McEnery's majority of 9,606, and it leaves Kellogg's majority 4,924. Add to the 4,924 the majority which Kellogg had in the twenty-four parishes, and it makes Kellogg's majority 5,924.

You may turn this subject any way you please, and you will find that Kellogg was not only the representative of the will and intention of the people, as the Senator from Wisconsin says, but that he had a majority of the legal votes cast. At all events there is no affirmative proof on which to displace him.

Shall we turn Kellogg out of office, when all admit that he represents the will of the people and when the preponderance of evidence is that he had a majority of votes cast, for the sake of giving effect to the fraud which was most infamously perpetrated in that Louisiana election?

A word more, Mr. President, and I have done. There is another view of this case conclusive against a new election. We are considering this case as a Legislature and not as a court; we are exercising political, not judicial powers. A court is confined to the record, must decide upon the issue, must be controlled by rigid and fixed rules. If a case is brought before it it must decide it. A Legislature has a broad discretion; it has an arbitrary discretion, except so far as it is controlled by the constitution of the country and by good conscience. The Senator from Wisconsin, not in reference to this case particularly, but in stating the principle of the bill, holds that Congress has the right, without any application coming from a State, where the State courts have declared an election to be valid, to set aside the election and to order a new one. I cannot agree with him, and am glad that there is one relief to this prodigious power. The Senator from Wisconsin states the relief while stating the power. He says:

> The question is in its nature political, not judicial; and no court, State or national, can settle it so as to preclude Congress from inquiring into it and settling the question for itself.

It is a relief to know that we need not exercise the power, its exercise being left to our political discretion. What propriety is there in ordering a new election in Louisiana? It would be a sheer volunteer act. No one asks our interference. The governor is in office; the General Government acquiesces; laws are enacted; contracts made, and rights vested. All agree that Kellogg represents the wishes of the people, and it seems as if the preponderance of evidence is that Kellogg had a majority of the votes cast. And here let me say that I do not agree with the Senator from Wisconsin that Congress is making a precedent even if it does not order a new election. We are no more doing so in the exercise of a political discretion on this subject than we are whenever we refuse to pass a bill. Our discretion is arbitrarily controlled only by the Constitution and by good conscience.

In reference to the Legislature I have nothing to say. It would be very unwise to order an election for members of the Legislature, for an election under the laws of the State will take place as soon as could be had under a law of Congress. The bill, I think, should not pass.

Mr. WEST. Mr. President——

Mr. MORTON. I presume the Senator from Louisiana hardly desires to go on this evening. If he does not, I will move that the Senate go into executive session.

Mr. WEST. As there seems to be quite a number of Senators absent from the Chamber, I will yield to that motion.

EXECUTIVE SESSION.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at three o'clock and twenty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April* 14, 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.

MISPRINT OF BILL.

Mr. SHELDON. On yesterday, it will be remembered, I introduced a substitute for a bill for the construction of a canal from the Mississippi River to the Gulf of Mexico, and obtained from the House an order that it be printed in the RECORD, and also printed in bill form for the use of the House. I find upon examination that in preparing the bill for the printer the tenth section of the Eads bill has been made the ninth section of my bill. I ask that the bill be reprinted, both in bill form and in the RECORD, in a correct form, leaving out the ninth section.

No objection was made, and it was so ordered.

The bill was as follows:

A bill for the construction of a canal from the Mississippi River, in the State of Louisiana, to the Gulf of Mexico.

Be it enacted, &c., That the Secretary of War shall cause to be made, in the most expeditious manner, a thorough, detailed, and final survey and location of a canal from the Mississippi River, at some point below Fort Saint Philip, in the State of Louisiana, on the left bank, and terminating at some point most eligible in the deep waters of the Breton Harbor or Pass. The survey and report of the engineers assigned to this duty shall exhibit complete plans and specifications of the work in the construction of such canal, and the estimates of the cost of each portion of the work shall accompany and form part of the report of such survey; and the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, to defray the expenses of such survey.

SEC. 2. That the Secretary of War shall, on the receipt of such report, and without unnecessary delay, advertise for bids to construct said canal as a whole, for such time and in such newspapers as he may think sufficient; and he shall award the contract to the lowest and best responsible bidder or bidders, who shall give bond, with sureties, to the satisfaction of said Secretary, that the work shall be done according to the stipulations of such contract: *Provided*, That no bid shall be received except the same is accompanied with a deposit with the said Secretary of the sum of $25,000, which sum shall be forfeited to the United States and paid into the Treasury thereof in case such bidder fails for a period of thirty days, after notice that his bid has been accepted, to make a contract in accordance with the terms of his bid and give security as required by this act: *Provided further*, That the contractor or contractors shall perform their work according to the plans and specifications of the Engineer Department, and under the directions thereof: *And provided further*, That said canal shall be fully completed for use within a period of three years from the day of contract, and that the entire cost of such canal shall not exceed the sum of $10,000,000.

SEC. 3. That the said canal shall not be less than two hundred feet wide on the bottom, and not less than twenty-seven feet deep, and shall have the proper locks, gates, waste-weirs, and other appurtenances necessary to facilitate the passage of ships to and from the said river and the deep waters of the Gulf of Mexico; and it shall be so constructed in all respects as will make it a permanent channel; and the contractor or contractors shall be paid quarterly in 5 per cent. bonds, (gold interest, payable semi-annually,) which bonds are to run for forty years, 90 per cent. of the value of the work done and materials delivered, which shall be estimated and certified to by the officer of engineers in charge of the work upon actual and careful examination; and upon completion of contract the percentage reserved shall be paid to the contractor in like bonds, bearing date of the several estimates.

SEC. 4. That all the dredge-boats, implements, tools, machinery, and materials procured by any contractor for the construction of said canal, or any part thereof, shall be forfeited to the United States in case of failure of such contractor to comply with his contract; and the Secretary of War is required to take possession of and use the same in the construction of said canal whenever in his judgment any contractor has failed to comply with his contract; and no suit or proceeding by such contractor shall be entertained by any court that shall deprive the Secretary aforesaid of the use of such dredge-boats, implements, tools, machinery, and materials; and whenever any contractor shall fail as aforesaid, the said Secretary shall cause the work to be done by the Engineer Department, or let the same to other contractors in accordance with the provisions of this act.

SEC. 5. That if said Secretary of War shall be unable to make contracts for the construction of said canal for a period of six months after receiving the report of the survey required by the first section of this act, he shall cause the Engineer Department to commence the construction of said canal without delay; and the same to be completed in the shortest period possible.

SEC. 6. That the Secretary of the Treasury shall execute bonds of the United States for such an amount as is necessary to defray the expenses of constructing said canal, in sums of $1,000 each, payable forty years from date, with interest at the rate of 5 per cent. payable semi-annually, in gold coin, which bonds shall be delivered from time to time as is required by the provisions of this act: *Provided*, The entire sum shall not exceed $10,000,000; and in case the United States shall construct said canal in whole or in part, said bonds may be sold by said Secretary of the Treasury from time to time for not less than par, and the proceeds applied in defraying the expenses of such work.

SEC. 7. That when completed, the said canal and appurtenances shall be the property of the United States, and a free channel of commerce; and shall be under the control and management of the Secretary of War until otherwise provided by law.

SEC. 8. That if hereafter Congress shall make an appropriation of money to defray the expense of constructing said canal, the Secretary of War shall pay in money to the extent of such appropriation in lieu of bonds, and any bonds not delivered in consequence of such appropriation shall be canceled and destroyed by the Secretary of the Treasury.

NATIONAL MILITARY AND NAVAL HOME.

Mr. HUNTER, by unanimous consent, introduced a joint resolution (H. R. No. 85) authorizing the appointment of a manager to fill a vacancy in the board of managers of the National Military and Naval Home for the relief of totally disabled officers and men of the volunteer forces of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

IMPROVEMENT OF HUDSON RIVER.

Mr. SCUDDER, of New Jersey, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be requested to cause an examination or survey to be made of a bank of mud which has been found in Hudson River, opposite Jersey City, extending from near Pavonia Ferry down said river, and below the wharves in Jersey City, with a view to dredging and removing said bank of mud, so as to afford greater protection to commerce; and that he be requested to report upon the feasibility of making such improvement, and the probable cost thereof, to the House of Representatives.

SURVEY OF NORTHERN BOUNDARY.

Mr. GARFIELD. I ask unanimous consent to report from the Committee on Appropriations, for passage now, a bill which it seems to be necessary to have acted upon at once. It is a bill making an appropriation to complete the survey of the northern boundary of the United States adjoining the British possessions.

The bill was read. It provides that for the purpose of completing during the fiscal year ending June 30, 1875, the work of surveying and marking the boundary between the territory of the United States and the possessions of Great Britain from the Lake of the Woods to the summit of the Rocky Mountains $150,000 be appropriated, to be available from the date of the passage of the act, and to be expended under the direction of the Secretary of State, with the approval of the President.

Mr. GARFIELD. I desire to say that this appropriation would properly come in the regular miscellaneous appropriation bill; but letters from the Secretary of State, which I hold in my hand, show it to be important that the commission should begin their work immediately, while the season is good.

Mr. WILLARD, of Vermont. There was an appropriation made for this purpose in the regular appropriation bill of last year. Has that appropriation been all expended?

Mr. GARFIELD. It has. There is no deficiency asked.

Mr. WILLARD, of Vermont. This makes a deficiency.

Mr. SCOFIELD. When it was first proposed to remark this boundary, it was stated by the committee that $100,000 would do the whole work.

Mr. GARFIELD. O, the gentleman is mistaken. The estimate of the engineer——

Mr. SCOFIELD. Made when?

Mr. GARFIELD. Year before last.

Mr. SCOFIELD. It was before that that this work began; and every year we have gone on appropriating the same amount. But now we are asked to appropriate more than heretofore—$150,000. I would like the chairman of the Committee on Appropriations to tell us now when he is going to get done asking for appropriations to run this line.

Mr. GARFIELD. I will tell the gentleman. There have been two appropriations——

Mr. W. R. ROBERTS. I object to the bill.

JAMES RIVER AND KANAWHA CANAL.

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

Resolved, That the Secretary of War be, and he is hereby, requested to transmit to this House the report of the Chief of the United States Engineer Department on the practicability of a water line of transportation between the Ohio River and the sea-board via the James River and Kanawha Canal route.

PERSONAL EXPLANATION.

Mr. PAGE. I rise to a personal explanation. During the debate yesterday I was asked by my colleague [Mr. LUTTRELL] whether I was not a mail contractor, and whether my name did not appear on the books as such. I answered in the affirmative. That statement requires a qualification, which I desire now to make. In 1870 I was the accepted bidder on three or four mail-routes in the State of California. I entered upon the contract on the 1st day of July, 1870. My contract would expire on June 30 of the present year. After my election to Congress, I wrote to my predecessor, now in the Senate, Mr. SARGENT, asking him to request the Department to annul my contract and relieve me from it. The Postmaster-General replied to Mr. SARGENT that he could not do so, quoting the opinion of the Attorney-General that a contract for carrying the mails could not be annulled on account of the subsequent election of the contractor as a member of Congress. The law also prevented me from assigning the contract, as will appear from section 271 of the law on this subject, which section reads as follows:

That no contractor for transporting the mails within or between the United States and any foreign country shall assign or transfer his contract; and all such assignments or transfers shall be null and void.

I desire further to say that I have not made any contract since 1870; and, except to the extent I have stated, I have no interest directly or indirectly in any mail contract or any other contract with the Government. I ask the Clerk to read an extract from the opinion of the Attorney-General in regard to contractors who, subsequent to taking their contracts, are elected to Congress.

The Clerk read as follows:

The statute applies to contracts entered into with persons who are at the time members of Congress. This appears from a comprehensive view of the first section, and is confirmed by the fourth, which imposes a penalty on any officer of the United States who shall enter into any contract "with any member of Congress." If obtaining a seat in Congress subsequent to the contract would annul it, any person who had made what he considered a bad bargain might, if he had influence enough to procure his election, relieve himself from the burden. My opinion, therefore, is, that the contract is not destroyed; that both parties are bound to fulfill their respective engagements; and that the penalties of the act of Congress do not attach in the case.

Mr. RANDALL. I wish to direct the attention of the House to one fact bearing on this question, of one who is elected a member of Congress and is a mail contractor at the same time. If my memory serves me right, Senator CORBETT, of Oregon, was a mail contractor when he came here, and the Congress of the United States passed an act relieving him from the obligations of his mail contract in consequence of his assumption of his seat in the Senate. I think the gentleman from California, [Mr. PAGE,] so far as I can learn the facts, has done everything within his power to place himself in a proper position before the Congress of the United States in that particular.

BISMARCK LAND DISTRICT.

Mr. DUNNELL. I ask unanimous consent to report back from the Committee on the Public Lands a bill (H. R. No. 994) to establish the Bismarck land district in the Territory of Dakota, with the recommendation that it do pass. It is an important bill, and is in the interest of the actual settlers along the line of the Northern Pacific Railroad. I ask it be read.

The bill was read. The first section provides that all that portion of Dakota Territory lying north of the seventh standard parallel and west of the ninth guide meridian be, and the same is hereby, created into a separate land district, to be known as the Bismarck district; and the land office for said district shall be located at the town of Bismarck, where the North Pacific Railroad intersects the Missouri River. The second section provides that a register and a receiver shall be appointed for said district land office, who shall be governed by the same laws and receive the same compensation as prescribed for similar officers in the other land districts of said Territory.

Mr. HALE, of Maine. I wish to say a word——

The SPEAKER. Is there objection?

Mr. DUNNELL. I hope there will be no objection.

Mr. HALE, of Maine. I ask the gentleman from Minnesota to change the name of this land district to that of "the Northern Dakota land district."

Mr. DUNNELL. It is to be located at Bismarck, on the line of the Northern Pacific Railroad. It is two hundred miles from any existing land office. It is required in the interest of the settlers along the line of the Northern Pacific Railroad. Bismarck is an important town on the line of that road.

Mr. HALE, of Maine. In my judgment it should not have any such name.

Mr. DUNNELL. It is to be located where the Northern Pacific Railroad line crosses the Missouri River. I hope there will be no objection to it. The Commissioner of the General Land Office recommends the passage of the bill. He says it is necessary at the present time. There are thousands of settlers along the line of that road who are now two hundred miles from any land office. If any gentleman objects I hope he will give us some good reason for objecting. This is four hundred miles from the Yankton land office, three hundred miles from the Sioux land office, and two hundred miles from Pembina. There are thousands of settlers there at this time. There are thousands of settlers waiting to make entries at the land office, and I trust the gentleman from Maine will not object.

Mr. HALE, of Maine. My objection of course is only as a matter of taste. I acknowledge it does not suit me, in creating one of our new land districts in one of our Territories, to borrow a name entirely alien to us, and I therefore object to calling this the Bismarck land district. It is a great deal better, it seems to me, as a matter of taste, that we should call it the Northern Dakota land district. If we now call this the Bismarck land district, some one else will come here and want to call a new land district "the Louis Napoleon land district," and others will want other names of a like alien character.

Mr. DUNNELL. This is the important point on the line of the Northern Pacific Railroad.

Mr. AVERILL. Does the gentleman from Maine desire to antagonize the taste of thousands of settlers who have recently gone there and established an enterprising town which they have called Bismarck? Does he propose to antagonize the taste of these settlers?

Mr. HALE, of Maine. I suppose the settlers reap as much benefit from us as we do from them. As a matter of taste I do think, however, when they come here, they should not bring with them their old European names.

Mr. AVERILL. Is it not a matter of necessity to give it this name?

Mr. HALE, of Maine. I cannot understand any German republican (and I believe only German republicans come here to make settlement

upon our lands) would be in favor of having our land districts designated by any such names.

Mr. AVERILL. What is the objection to it?

Mr. HALE, of Maine. I prefer for one that it should be called the Northern Dakota instead of the Bismarck land district.

Mr. AVERILL. Does the gentleman propose that the name of the town of Bismarck should be changed?

Mr. HALE, of Maine. I do not ask that; but here it is proposed that we shall establish a new land district, and I prefer it should be called the Northern Dakota land district.

Mr. AVERILL. I ask the gentleman to answer my question. As a matter of necessity must not a land office bear the same name as the town at which it is located?

Mr. HALE, of Maine. If I thought so I should not make objection. This land district is to be established not alone for the town of Bismarck, but for Northern Dakota, and it should be called the Northern Dakota land district.

Mr. DUNNELL. There must be some locality designated at which the land office is to be established.

Mr. HALE, of Maine. The land district is to be for Northern Dakota, and it will have its headquarters at this town. I do not ask that the name of the town should be changed; no one objects to that. But I do object to subdividing a Territory or a State of the United States and giving to one of the subdivisions a foreign name as a land district. I would not be in favor of creating a new custom-house district in Maine and naming it after an English admiral or a French admiral. It would not be in good taste, according to my notions.

Mr. DUNNELL. I do not understand that the gentleman really objects.

Mr. HALE, of Maine. I object to the name. The gentleman can easily change the name to "Northern Dakota."

Mr. AVERILL. That is impossible, because it would antagonize the law, which requires that the land office shall bear the name of the town where it is situated.

Mr. HOLMAN. This proposed land office is to be located on the Missouri River, on the Northern Pacific Railroad. I wish to ask to what extent lands have been surveyed in that portion of the Territory of Dakota?

Mr. DUNNELL. Lands have been surveyed all along the line within the railroad limits.

Mr. HOLMAN. Confined within the railroad limits?

Mr. DUNNELL. Not wholly confined to them. But the Delegate from Dakota may be able to answer the question more accurately than myself. Vast quantities of land in that locality have been surveyed.

Mr. HALE, of Maine. While this discussion is progressing I reserve my right of objection.

Mr. HOLMAN. Where is the nearest land office now?

Mr. DUNNELL. The nearest is distant two hundred miles, and my colleague says it is four hundred miles to Pembina. If this land office is not established the settlers are to be subjected to the great trouble of going that distance without any gain at all to the Government. It is a great burden to these settlers.

Mr. HOLMAN. Perhaps the gentleman will allow me one other question. There is never a session of Congress in which we do not establish some new land office; but so far as I am aware we never receive any reports from the Committee on the Public Lands in favor of abolishing any of these offices. At all these offices there are officers to be kept up year after year, and new officers are appointed year after year. All the time the business of the public lands is going westward, rendering the offices behind quite useless, and yet they are not abolished.

Mr. DUNNELL. I beg to inform the gentleman from Indiana that land offices are abolished year after year. There is but one now remaining in Michigan. There are none remaining in Iowa. There are one or two which it is expected will be abolished within a year or two in my own State. I think it ought to be a matter of congratulation that we need new offices in the Territories, but I entirely agree with the gentleman from Indiana that offices which have become unnecessary should be abolished.

Mr. KELLOGG. I shall be obliged to call the regular order.

Mr. DUNNELL. I understand there is no objection to the passage of this 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.

Mr. DUNNELL 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.

ORDER OF BUSINESS.

The SPEAKER. The regular order having been called, the morning hour begins at twenty-five minutes past twelve o'clock, and reports are still in order from the Committee on Reform in the Civil Service.

CUSTOMS REVENUE SERVICE.

Mr. WOODFORD, from the Committee on Reform in the Civil Service, reported a bill (H. R. No. 2977) to provide for a commission for the reorganization of the customs revenue service of the United States; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

REORGANIZATION OF THE TREASURY DEPARTMENT.

Mr. KELLOGG, from the Committee on Reform in the Civil Service, reported a bill (H. R. No. 2978) to provide for the reorganization of the Treasury Department of the United States, and for other purposes; which was read a first and second time, and ordered to be printed.

Mr. KELLOGG. I move that the bill be made a special order in Committee of the Whole House for Tuesday, April 28, at half-past one o'clock, to the exclusion of all other orders except appropriation bills.

Mr. DAWES. I ask the gentleman also to except reports from the Committee on Ways and Means.

Mr. KELLOGG. I am willing to except reports from the Committee on Ways and Means and the Committee on Appropriations, and I will also except private-bill days.

Mr. DAWES. The exception will apply to reports yet to be made?

The SPEAKER. Of course. But to accomplish his purpose it will be necessary for the gentleman from Connecticut [Mr. KELLOGG] to ask that a further arrangement be made; because he will find, at least on Tuesday, sundry special orders in Committee of the Whole ahead of this on the Calendar. The gentleman had better include in his motion, that with the exceptions he has indicated the House may by a majority vote reach this order on going into Committee of the Whole House.

Mr. KELLOGG. I do not wish to antagonize any important business of the House. But it has gone out, especially from the gentleman from Massachusetts, [Mr. DAWES,] in the speech which we all remember, that we ought to reform the Treasury Department, and this bill is for that purpose.

Mr. SHELDON. Will one objection prevent the proposed arrangement being made? If so, I object. I do it in all kindness to the gentleman from Connecticut, for there is a special order now pending of so much consequence to the South and West that I cannot agree to anything which will cause its postponement.

The SPEAKER. What is it?

Mr. SHELDON. It is the bill for the improvement of the mouth of the Mississippi River.

The SPEAKER. That is the special order for a week after, and the two cannot come in conflict, because this bill will be in Committee of the Whole.

Mr. SHELDON. Then I withdraw my objection.

Mr. ALBRIGHT. There is a special order for the consideration of the Army bill.

The SPEAKER. The two cannot come in conflict.

There being no objection, the motion of Mr. KELLOGG was agreed to.

Mr. KELLOGG. I desire to move that five hundred extra copies of the bill be printed.

The SPEAKER. The House cannot order the printing of extra copies. A resolution to that effect will have to be referred to the Committee on Printing.

Mr. KELLOGG. Very well; I will prepare a resolution.

APPRAISERS OF IMPORTED MERCHANDISE.

Mr. KELLOGG from the Committee on Reform in the Civil Service, reported (as a substitute for the bill H. R. No. 1959) a bill (H. R. No. 2979) abolishing the office of appraiser of imported merchandise, appointed under the act of July 14, 1870, and the acts amendatory thereof, at certain places; which was read a first and second time.

The bill proposes to repeal so much of the thirty-fifth and thirty-sixth sections of the act entitled "An act to reduce internal taxes and for other purposes," approved July 14, 1870, and the acts amendatory thereof, as provides for the appointment of appraisers of imported merchandise at the following-named places: Providence, Rhode Island; Portland, Oregon; Cleveland, Ohio; Milwaukee, Wisconsin; Memphis, Tennessee; Evansville, Indiana; Louisville, Kentucky; Norfolk, Virginia; Mobile, Alabama; Toledo, Ohio, and Pittsburgh, Pennsylvania; and provides that from and after the passage of the act there shall be but one appraiser of imported merchandise at each of the following-named places: Philadelphia, Pennsylvania; Baltimore, Maryland; Charleston, South Carolina, and Savannah, Georgia.

Mr. KELLOGG. I ask action on this bill now, entering a motion to recommit; but I shall yield to several gentlemen for amendments.

Mr. DAWES. While I do not object to the gentleman from Connecticut taking away from the Committee on Ways and Means the entire business of that committee, I ask him to let us have a little notice of it, so that, perhaps, we might modify our own work a little. We have been employed now for three or four weeks on this matter.

Mr. KELLOGG. How long time does the gentleman want?

Mr. DAWES. Only a few minutes.

Mr. KELLOGG. I will yield to the gentleman five minutes.

Mr. DAWES. Five minutes will be enough for me to suggest to the gentleman that, while I do not object to the Committee on Reform in the Civil Service taking the entire customs matter right out of the hands of the Committee on Ways and Means, I will not say a word if he will let us know in season, because we have considerable work of that kind, and have spent a good deal of time on it, and have our bills prepared and are only waiting to be called to report

them. It is really unkind in the Committee on Reform in the Civil Service that they should let us go on in this way working upon those bills and hearing parties and getting information and co-operation from the Treasury Department, which is perfecting our bills in this particular; they ought to let us have notice of their action.

Now, I suggest to the gentleman in all kindness, not because I want to take this matter out of his hands, that he should just postpone action on this bill for a day or two and we will eliminate out of the work of the Committee on Ways and Means everything pertaining to the customs service and turn it over to them and there shall be no conflict between us. We will not antagonize this ambitious young committee who are doing a grand work, and I want to help them all I can; only my committee do not want to do the same work over at the same time, because we know we shall not do it so well; we know that it will show how imperfect our own work is.

I therefore suggest to my friend, in the five minutes that he has kindly yielded to the Committee on Ways and Means to express their views upon the great subject of remodeling the customs service of the United States, that he allow his bill to be postponed. I thank him for yielding even that, and will say no more.

Mr. KELLOGG. Whatever action the Committee on Reform in the Civil Service has taken in this matter has been done under an order of the House, made on the motion of the gentleman from Vermont [Mr. WILLARD] in December last, and the gentleman from Massachusetts did not object. We have not sought to take anything from the honorable Committee on Ways and Means; for we know we are so overshadowed by it that we can hardly do more than creep about under their huge legs, asking permission to stay on the floor of the House. But when we were ordered by a vote of the House, without objection on the part of the gentleman from Massachusetts, to see what reform we could make in the civil service of the Government, and we found a few useless officers, we thought it the duty of our committee to act, and to strike them off; and we did not by any means take our cue from the gentleman's speech made in February last. In January the attention of the committee was called to this matter; a letter was written to the Treasury Department, and we received a reply in the latter part of January saying that certain officers were appointed under this law of July 14, 1870, and I had an intimation that some of them might be dispensed with.

The committee afterward sought information from the Treasury Department for the purpose of determining which of these officers should be dispensed with; and they received the list which I have embraced in the bill now presented to the House. We did not seek to interfere with the work of the Committee on Ways and Means, and we do not do it by this bill. We simply abolish some thirteen or fourteen useless offices, saving to the Treasury some $40,000 annually, which the gentleman from Massachusetts made such a point about in his speech; and which, in all courtesy to him, I submit deserved some action on his part, either in the last Congress or the Congress before, when he was at the head of the committee that should have made this reform. If any committee acts upon the subject now, a censure should not come from his lips; it should not come from him to say that we should wait for the Committee on Ways and Means to report a bill of this kind. We reported a bill a little while ago, which was passed by the House, abolishing the office of deputy collector of internal revenue. Another such officer is also abolished by our action in committee, and is embraced in the bill reported this morning for the reorganization of the Treasury Department.

Now, finding a list of appraisers at these ports who had nothing to do, as the gentleman stated in his speech—and members will recollect that he read a feeling letter from some decapitated officer when he made his speech—I thought it the duty of the Civil Service Reform Committee to abolish some of these useless offices, and we have done so. We do not know but we shall get in a scrape by it, as my friend from Massachusetts [Mr. DAWES] says he always does when he undertakes some particular reform. And that fact, by the way, may account for his course heretofore upon the subject; he has always been loud-spoken in favor of general reform, but never makes any special effort to accomplish any particular reform. And that is what we are seeking to do, by the action of our ambitious young committee, as the gentleman from Massachusetts [Mr. DAWES] styles us.

Mr. SCOFIELD. I notice that this bill provides that there shall be but one appraiser at Philadelphia.

Mr. KELLOGG. There is but one there now. There is a law providing for two appraisers at Philadelphia, but there is a vacancy there now, as the gentleman will find by turning to the Finance Report. There is one appraiser there now, and he has two assistants. This bill does not interfere with the assistants at all, but it provides for only one head, which is thought by us to be best for the interests of the service——

Mr. SCOFIELD. They have one appraiser-general and one appraiser at Philadelphia. I apprehend that if we pass this bill it will abolish the office of appraiser-general.

Mr. KELLOGG. Not at all. This bill provides that there shall be one appraiser at Philadelphia; the law now provides for two, but there is only one now appointed. It is another law that provides for a general appraiser.

Mr. SCOFIELD. The law gives one appraiser and one appraiser-general, if I understand it. The appraiser-general has nothing to do with the appraisal of goods in the first instance.

Mr. KELLOGG. Then I will modify the bill so as to provide for one appraiser-general at Philadelphia, if I find it necessary to prevent his removal.

Mr. DAWES. I make the point of order on the gentleman that he is under two disabilities in regard to moving amendments; one is that he has entered a motion to recommit so that nobody can move an amendment, and the other is that he represents the committee and has no right to change what they have directed him to report.

Mr. KELLOGG. I have not yielded to the gentleman from Massachusetts [Mr. DAWES] again; if he asks me I will do it, for I always yield to him.

Mr. DAWES. I have raised a point of order upon the gentleman.

Mr. KELLOGG. Then I will not modify the bill, but will leave the question to the House.

Mr. SCOFIELD. Concurring with the gentleman from Connecticut [Mr. KELLOGG] in his motives, I will say that I was afraid this bill would abolish the office of appraiser-general. It is now occupied by a gentleman known to a great many persons in this House, Mr. Lorin Blodgett, a man of great ability.

Mr. KELLOGG. It does not interfere with him at all, and certainly was not designed to touch his case.

Mr. SCOFIELD. Some time ago a movement was made in the Treasury Department, as we supposed, to get rid of Mr. Blodgett because—well, I will not say why, for it might do great injustice to some one. But when the gentleman said that this bill came from the Treasury Department, I did not know but the jealousy of Mr. Blodgett might have crept in, and obtained the sanction of the Secretary of the Treasury without his knowing it.

Mr. KELLOGG. I think not; but the gentleman misunderstood me, if he thought I said this bill came from the Treasury Department; for it did not. I sought information in certain places there, and proposed the bill in consequence of that information.

Mr. MYERS. That officer has probably rendered more efficient service than any other single officer of the Government.

Mr. KELLOGG. It does not interfere with him at all. I do not question his services.

Mr. SCOFIELD. By referring to the Blue Book I find among the officers at Philadelphia, "general appraiser, Lorin Blodgett; appraiser, E. B. Moore;" that is all there is, one general appraiser and one appraiser. There are two assistant appraisers; and if the gentleman wants to abolish them I have no objection.

Mr. MYERS. I have very great objections, because they are needed.

Mr. KELLOGG. We do not propose to abolish the general appraiser or the assistant appraisers. There is but one local appraiser appointed at Philadelphia, as I understand, and there is a vacancy under the law, which we think need not be filled, and that that office should be abolished.

Mr. SCOFIELD. Mr. Blodgett is the general appraiser.

Mr. KELLOGG. I ask that the bill be read again, so that gentlemen may see what we do provide in it.

Mr. SCOFIELD. If the gentleman will allow me, I will move to strike out the words "Philadelphia, Pennsylvania."

Mr. KELLOGG. I will withdraw the motion to recommit for that purpose.

Mr. SHERWOOD. I desire to make a point of order on the bill, that as it proposes to abolish offices now provided for by law it must be first considered in Committee of the Whole.

The SPEAKER. That point of order would have been good if made in time; but this bill has been some fifteen minutes before the House, and the point of order is too late.

Mr. KELLOGG. If the gentleman from Pennsylvania wishes to move an amendment to strike out Philadelphia, I will withdraw the motion to recommit and yield for that purpose.

Mr. SCOFIELD. I move to strike out "Philadelphia, Pennsylvania."

Mr. DAWES. I make the point of order that no amendment can be offered while the motion to recommit is pending.

Mr. SCOFIELD. As I understand, the gentleman from Connecticut [Mr. KELLOGG] withdraws the motion to recommit for the purpose of allowing me to move this amendment.

Mr. KELLOGG. Yes, sir; I withdrew the motion to recommit for that purpose.

The SPEAKER. The motion to recommit being withdrawn, the gentleman from Pennsylvania moves the amendment he has indicated.

Mr. CONGER. Mr. Speaker——

Mr. KELLOGG. I cannot yield to the gentleman now. I will when I get through.

Mr. CONGER. I wish to ask the gentleman a question.

Mr. KELLOGG. I will yield for that purpose only.

Mr. CONGER. Does not this bill abolish the office of appraiser at interior ports of entry where there is no other officer to attend to the duties?

Mr. KELLOGG. It does not. There are several other officers who can do the work, or the duties of an appraiser can be imposed upon them by law.

Mr. CONGER. For instance, at Evansville, Indiana——

Mr. KELLOGG. There are other officers there to do the work. The salaries now cost more than the collections amount to. There are two or three other officers there.

Mr. CONGER. I wish to say to the gentleman that the appraiser at Evansville does not hold his place under the old law, but by virtue of a more recent law creating interior ports of entry; and as my friend from Massachusetts, [Mr. DAWES,] the chairman of the Committee on Ways and Means, is aware, for an interior port of entry the appraiser is the only officer. There is no appraiser connected with Evansville as a port of delivery; but there is an appraiser there under the law of 1870 or 1871, making it an interior port of entry; and that appraiser is the only officer recognized at that port.

Mr. HOLMAN. The effect of this bill is to abolish the port of entry at Evansville; and that I think very proper if other ports of the same character are abolished.

Mr. KELLOGG. I will answer the gentleman from Michigan, [Mr. CONGER,] if he will allow me.

Mr. CONGER. I wish to say a word further. At each of the lake ports mentioned in the bill there is no appraiser in the regular list of officers connected with it as a port of entry under the general laws of the United States. But under the laws establishing interior ports of entry, such as Evansville, Saint Louis, Cincinnati, and Milwaukee, there is one officer appointed at each place to make them interior ports of entry. The gentleman now proposes to abolish these ports of entry by abolishing the only officer there. I ask the gentleman whether he knew that there was such a distinction between appraisers at the interior ports of entry and appraisers on the sea-coast?

Mr. KELLOGG. I am aware of the distinction. If the gentleman will turn to the finance report and look at the list of officers at each one of these places he will be convinced that there is ample force to do the work without the appraisers, and the work can be put upon them by law.

Mr. CONGER. I supposed the gentleman might not be familiar with the law constituting interior ports of entry with an appraiser as the only officer. He may be familiar with that fact, but I cannot see the indication of it in this bill.

Mr. KELLOGG. I do. The bill is based upon the law of July 14, 1870, that the gentleman refers to. We do not interfere in this bill with the gentleman's port in Michigan, though we would have put it in if we had had a recommendation to that effect, or any proof that it was a needless office, as in these other cases.

Mr. CONGER. I wish to say to the gentleman that the port to which he refers, Port Huron, is the largest port of importation on the lakes. Most if not all of the trade that comes into the United States by the Saint Lawrence enters at that port.

A MEMBER. It has more business than New Haven, Connecticut.

Mr. CONGER. Yes, sir; the importations at that port are larger than at New Haven; and it has no appraiser at all. My modesty prevented me from ever asking for one there.

Mr. KELLOGG. Detroit, Michigan, already has an appraiser, and that was the port I referred to; and when the gentleman says that the collections at Port Huron are more than at New Haven, Connecticut, he is mistaken by nearly $200,000, as the finance tables will show. The collections at Port Huron last year were only $73,077.12; at New Haven, Connecticut, they were $343,308.20. If the House should refuse to pass the bill I shall be obliged to ask for an appraiser at New Haven, and also one at Hartford, Connecticut, where such an officer is needed much more than at many of the places named in the bill, and perhaps as much as Port Huron.

Mr. CONGER. The appraiser at Detroit was appointed under a special act of Congress passed at the last session. The last Congress, on a full hearing, determined that such an officer was necessary there. Now, if the gentleman will yield one moment——

Mr. KELLOGG. I cannot yield longer now.

Mr. CONGER. Then I desire to say to the House that a manuscript bill which has never been printed, which comes before the House now for the first time, is to be forced through as a measure of civil-service reform without any opportunity for debate or examination. Is that the "civil-service reform" the gentleman from Connecticut would impose upon us? I commend him to the tender mercies of the House, which will decide whether a bill of this kind, unprinted and undiscussed, is to be put through in this manner.

Mr. KELLOGG. One word in reply to the gentleman from Michigan. I am not fearful of the "tender mercies of the House" on this question or any other, even if the gentleman from Michigan shall lead the onslaught.

I simply sought to do my duty in this matter. The bill referred to the committee was printed and has been before the House for three months. I gave notice in a speech I made March 11—more than a month ago—that we had agreed to report a bill to abolish these appraisers. The bill as reported simply leaves in some who were formerly embraced in the bill as referred and printed. We report a substitute abolishing appraisers at some ports, retaining only one at other ports. That is the whole of it. We retain some in the substitute reported that the original bill abolished.

Mr. KASSON. I wish to ask the gentleman from Connecticut a question directly on the bill itself. Does he suppose that, abolishing the office of appraiser, the duties of appraiser will devolve on some other officer without some new provision of law?

Mr. KELLOGG. They certainly do devolve on the deputy collector or collector wherever there is one, as there is at most of these places——

Mr. KASSON. Without any new provision of law.

Mr. KELLOGG. Without any new provision of law whatever. They will devolve on the collector or deputy collector if there be a deputy collector, and if not on the collector. There is a deputy collector at all these ports, with the exception of two or three in the interior.

Mr. DAWES. Let me ask the gentleman a question, (for I desire to get whatever information I can on this point.) What collector has charge of the port of Evansville?

Mr. KELLOGG. The gentleman ought to know; for he made that a part of his speech, that it was useless to have any officer there, which attracted so much attention. There is a surveyor and other officers there.

The SPEAKER. The Chair would like to hear this debate, but he cannot do it in consequence of the great confusion in the House.

Mr. KELLOGG. I am determined to have action on this bill if I can to-day, for I do not want to take another morning hour. I will yield to gentlemen to ask whatever reasonable questions they may have to put.

Mr. DAWES. I inquire in good faith, Mr. Speaker. The gentleman proposes to abolish several offices, as I understand it, and to provide that the duties hitherto discharged at these places by the present officers, who are to be abolished, shall be discharged by others. I do not know but my friend from Connecticut, like myself, represents a district where we do not have any of these offices. But I believe he wishes to convince the House that unless they abolish these offices he will be obliged to ask for the establishment of similar offices at Hartford and at New Haven.

Mr. BUTLER, of Massachusetts. And one at Salem, Massachusetts.

Mr. DAWES. And one at Salem, Massachusetts, for my friend, who is also on the Committee on Reform in the Civil Service. I do not know how many there are in that position who are to have appraisers appointed unless this bill is passed. But I am going for the bill.

Mr. SENER. You are "going for" it; but how?

Mr. DAWES. I give notice rather than have new appraisers appointed at Hartford and at Salem and at Marblehead and at Lynn I shall go for abolishing these offices, whatever be the consequences or upon whomsoever shall fall afterward the discharge of these duties.

I am not against abolishing these offices. I rose merely to suggest to the gentleman that this was double work on the part of two committees. To be sure the Committee on Ways and Means have properly under the rules control of this question, but I do not desire to interpose one single obstacle in the way of the passage of this bill. I have no doubt it has received proper consideration by this committee. From the nature of their service, perhaps the Ways and Means Committee are best able to judge of the matter. The Committee on Civil Service brought in a bill yesterday (which went to the Committee of the Whole) to codify the whole customs service of the United States. I felt greatly relieved, and I said to the Committee on Ways and Means that the Committee on Reform in the Civil Service had relieved us of a great work which had been of some trouble to us for two or three months; that the Committee on Reform in the Civil Service had taken this off our hands. I give my friend from Connecticut therefore my hearty support in this bill, but I wish him to do himself and my colleague justice before the country and not have it said that the only condition upon which the people of the country can be saved from useless offices at Hartford, New Haven, Lynn, Marblehead, and Salem is to pass this bill.

Mr. KELLOGG. Now, Mr. Speaker, I do not yield any longer to the gentleman from Massachusetts. I will say to my friend from Massachusetts, in reply, that an appraiser at New Haven or Hartford is needed much more than at the places in this bill where we propose to abolish them; but that if I should stand up to what I have said about this, in the same way in which he did in his former speech, I should strike out from the RECORD what I have said, as he did what he said in regard to his wishes to have such an officer in his district. For when commenting on the port of Evansville he uttered a feeling prayer, in that familiar style of his, that he wished he had a port of entry or delivery among the hills of Berkshire, Massachusetts, but when we came to read his speech in the RECORD, we found that he had struck out all that he had said on that subject.

Now I wish to say in regard to the action of the Committee on Ways and Means that we do not wish to antagonize with them at all. They would have done a good deal for the reorganization of the civil service if they had abolished many of the customs districts, as they ought to have done, under the lead of the distinguished gentleman from Massachusetts two years ago, instead of waiting until the special report came from the Treasury Department early during this session recommending the consolidation of customs districts. The gentleman then took up that report, and taking some eight or ten columns of figures out of the financial report, and from the Bureau of Statistics, he poured them over the heads of members here on this floor in that February speech of his. If the Committee on Ways and Means mean to get a bill through before the end of the session, we do not think there will be any suffering in any one of these places if we abolish these offices of appraisers now. Let them report a bill—and they have a right to report a bill at any time—and there will be no obstruction to it on the part of the Committee on Civil Service Reform, from which the gentleman from Massachusetts, the chairman of the Committee on Ways Means, seeks on all occasions to pluck the few feathers it has. But it will do no sort of harm if we abolish those appraisers

now, and then let the gentleman's committee give us a complete bill for the reform of the custom-house service.

I now yield to the gentleman from Pennsylvania [Mr. SCOFIELD] if he wishes to move the amendment he has indicated.

Mr. SCOFIELD. The amendment is now pending.

Mr. PARSONS. I desire to offer an amendment.

Mr. KELLOGG. I do not yield to the gentleman for that purpose now, but will in due time do so.

The question being taken on Mr. SCOFIELD's amendment to strike out "Philadelphia, Pennsylvania," from the bill, the House divided; and the Chair announced as the result of the vote that the noes had it.

Mr. MYERS. I must call for tellers. I do not think the question was understood. I do not think it is understood that this, perhaps unintentionally, would strike down one of the best officers of this Government; one who, during this session, has rendered great service, as my friend from Vermont, [Mr. POLAND,] the chairman of the Committee on Revision of the Laws, will testify.

Tellers were ordered.

Mr. MYERS. I will withdraw the request for tellers on the assurance of the gentleman from Connecticut, as I understand him, that no such proposition as I have stated is made. But I am afraid that would be the construction of it.

Mr. KELLOGG. If the gentleman is right and I am wrong I will help him to put it right hereafter.

Mr. MYERS. It would be better to have it right now.

Mr. KELLOGG. I now yield to the gentleman from Rhode Island to offer an amendment.

Mr. EAMES. I move to amend the bill by striking out the word "Providence."

Mr. KELLOGG. I yield five minutes to the gentleman from Rhode Island, [Mr. EAMES.]

Mr. EAMES. The bill before the House was suggested, beyond question, by a letter that was read by the distinguished gentleman from Massachusetts, [Mr. DAWES,] the chairman of the Committee on Ways and Means, in the speech which he made early in February on the public expenditures. From that letter it appeared that a person who had once occupied the office of appraiser in some part of the country, not designated in the letter itself, had found that the only duties of his office were simply to receive and to receipt for the salary, which was fixed by law at the rate of $3,000.

When that letter was read, which also embraced the statement that there were about a dozen of these useless offices, the gentleman from Connecticut, [Mr. KELLOGG,] the chairman of the Committee on Reform in the Civil Service, immediately corrected the statement by saying that there were sixteen of them. Now, I am unwilling on this floor or anywhere else to antagonize any reform that is proposed in regard to the civil service of the country. I should be unwilling if a place were pointed out where it appeared there was an officer who was drawing pay from the Treasury of the United States, and was not rendering an equivalent in service, to say a word in favor of maintaining such a useless office. But when the committee, in the consideration they have given to this question, come to the conclusion to include in this list the port of Providence, I cannot help feeling that they have acted upon information which is not correct.

Why, sir, there are in this bill some eleven ports that are designated, including the port of Providence. But outside of the ports named in this bill there are four ports which I can name at which these offices are established, not one of which returns to the Treasury of the United States from duties on imports anything like the amount that is returned to the Treasury of the United States from the custom-house at the port of Providence. I will name them: Detroit, in the State of Michigan; Charleston, South Carolina; Cincinnati, Ohio; and Savannah, Georgia.

Now, sir, so far as the port of Providence is concerned, I desire to make some statements in relation to it, which may justify the action I take in moving the amendment I have offered to exempt it from the provisions of this bill. The city of Providence, in an area of about three square miles, has by recent additions to its territory a population of about one hundred thousand. It is situated at the head of the navigation of Narragansett Bay, built beautifully on either side of the Providence River, and has within it almost every industry that you can name. During the past year there has been imported directly to this port, under the provisions of the act of July 14, 1870, at least $1,500,000 worth of merchandise subject to duties under the laws of the United States.

Now, Mr. Speaker, I desire to call the attention of the House, in relation to the necessity of an appraiser at the port of Providence, to some facts and statistics which I have gathered, and which have been furnished me since the first intimation was given to me that it was proposed to abolish the appraisership at that place. The port of Providence is the third of the New England ports as to the amount of revenue paid to the Government of the United States. It stands thirteenth on the list of all the ports of the country. The merchandise which has been imported directly by vessels into that port during the year ending June 30, 1873, consisting of coal, dye-woods, chemicals, iron and manufactures of iron, lumber, and other articles——

[Here the hammer fell.]

Mr. EAMES. I ask the gentleman from Connecticut to yield to me long enough to enable me to have read at the Clerk's desk a letter which I have just received from the Secretary of the Treasury.

Mr. KELLOGG. I yield long enough to have the letter read.

The Clerk read as follows:

TREASURY DEPARTMENT,
Washington, D. C., April 14, 1874.

SIR: In reply to your letter of the 11th instant, requesting information as to the extent of business at the custom-house at the port of Providence, State of Rhode Island, and to the propriety of discontinuing the services of the appraiser appointed under the act of July 14, 1870, I have to say that upon reference to the records in the office of the Commissioner of Customs it is ascertained that the duties on imports during the three years ending June 30, 1871, were $593,853.91, and that during the two years ending June 30, 1873, they amounted to $883,749.66.

Under these circumstances I do not feel warranted in recommending the discontinuance of the services of the appraiser until further trial.

I am, very respectfully,

WM. A. RICHARDSON,
Secretary.

Hon. B. T. EAMES,
House of Representatives, Washington, D. C.

Mr. KELLOGG. I will submit the question to the House on the gentleman's speech and that letter whether they will accept the amendment or not, without further reply.

Mr. EAMES. It is hardly fair to take a member off the floor before he has stated the facts upon which he relies, and then submit the question to the House as if the statement had been made. But the House has heard the letter from the Secretary of the Treasury in relation to this port, and I have here the facts and figures which show that the port of Providence ought to be excepted from the provisions of this bill.

The value of the merchandise imported directly to this port during the year ending June 30, 1873, was $787,438. The value of merchandise rewarehoused for the same period was $218,736. The number of vessels entering the port from foreign countries during that year was 202, and the whole number of vessels from foreign and domestic ports was 7,126.

The value of merchandise imported under the act of July 14, 1870, from May 1, 1871, to April 30, 1872, was $75,776, on which the duties were $26,916; from May 1, 1872, to April 30, 1873, $154,138, on which the duties amounted to $47,249; from May 1, 1873, to December 31, 1873, a period of eight months, $121,018, and the duties $42,381, an increase over the corresponding months of 1872 of $34,572 in value and $12,882 in the amount of duties. The letter of the Secretary of the Treasury shows that the duties on imports during the three years ending June 30, 1871, were $593,853.91, and that during the two years ending June 30, 1873, they amounted to $883,749.66. These facts indicate the amount of business and its rapid increase since the provisions of the act of July, 1870, were extended to the port of Providence. The amount of duties on imports in 1869 was $205,651.18, and in 1872, $530,129.70.

There are sixty merchants engaged in Providence in the importation of about one hundred and twenty five different kinds of merchandise.

The revenue derived from the port of Providence is very much larger than that received from the other ports at which the office of appraiser is proposed by the bill to be discontinued, and larger than that received from either of the four ports to which I have referred at which the office of appraiser is continued; and the number of persons employed and the cost of collection is less at Providence than at either of the last-named ports. The number of persons employed at Detroit is 59, and the cost of collection 19.27 per cent.; at Charleston, 41 persons, at a cost of 30.63 per cent.; at Savannah, 68 persons, at a cost of 42.25 per cent.; at *Providence, 25 persons, at a cost of 8.52 per cent.* Upon this statement, by what rule of equity is Providence deprived of an appraiser while an appraiser is retained at Detroit, Cincinnati, Charleston, and Savannah? I do not say that appraisers are not necessary at these ports, but if so, it is manifest that an appraiser ought to be retained at Providence. That such office is required at the port of Providence is evident from the letter of the Secretary of the Treasury and from the facts herein stated of the amount of its business as indicated by its revenue from imports.

The question was taken on Mr. EAMES's amendment; and it was not agreed to.

Mr. KELLOGG. I now yield to the gentleman from Virginia [Mr. PLATT] to offer an amendment.

Mr. PLATT, of Virginia. I move to strike out "Norfolk, Virginia." I desire to call the attention of the members of this House to some facts which I want to present in reference to the proposition to take away this officer from the port of Norfolk.

Mr. KELLOGG. I yield to the gentleman five minutes.

Mr. PLATT, of Virginia. I do not wish to antagonize a desire on the part of Congress to carry out a true and judicious system of economy; but I do not want the members of this House to vote without reason, without knowing what they are doing and without understanding the question before them. I do not want them to abolish an office when that abolition will be a detriment to the Government of the United States.

Mr. Speaker, I send to the Clerk's desk and ask to have read a letter which I have received from one of the most experienced officers of the Government.

The Clerk read as follows:

CUSTOM-HOUSE, NORFOLK, VIRGINIA,
Collector's Office, February 23, 1874.

DEAR SIR: Relative to the bill before Congress abolishing the position of ap-

praiser at this and several other ports, I beg leave very respectfully to state that after careful reflection I am fully convinced that the abolishment of the appraiser's position at this port will be very detrimental to the public interest.

Should the act take effect, the duties now performed by the appraiser would revert to this office. Already with the increased trade of this port, and also in view of the fact that the Alexandria, Manassas and Orange Railroad will be shortly bonded under the act of July 14, 1870, through to Memphis, it will be a hard matter to keep up the work of this office without an increase of the force.

It is absolutely requisite that the duties of appraiser should be performed by some one separate and distinct from the collector's office, because in cases of appeals, the importer would have to await the decision of the general appraiser at Baltimore. Several days would elapse before that decision could be received. These delays would not only be annoying, but highly detrimental pecuniarily.

If it is contemplated to abolish the office as an economical measure, I think it will be a failure, because I am satisfied that a vigilant appraiser at this port can save for Government during the year fully twice the amount of his salary. In this connection I allude to the undervaluation of invoices.

I will also state that the "Allen line of steamers," from Liverpool, arrive at this port twice a month; they bring cargoes, not only for Richmond, Petersburgh, and Norfolk, but on several occasions for Memphis and Cincinnati by way of the Chesapeake and Ohio Railroad. You will notice that these steamers alone furnish considerable work for the appraiser, and I have known, on a number of occasions, that the appraiser was kept so busy appraising goods that before he had completed the work of one steamer, another one arrived.

I earnestly hope, through your endeavors and influence, that the appraiser's position at this port will at least be retained.

I am, very respectfully, your obedient servant,

CHARLES E. GETTSLICH.
Deputy Collector.

Hon. JAMES H. PLATT, Jr.,
House of Representatives, Washington, D. C.

Mr. PLATT, of Virginia. Now, Mr. Speaker, I beg the members of the House, before voting on this bill and on my amendment, to give me their attention for one moment. I desire to remind the House that the port of Norfolk is a sea-board port, and I believe the only one of that character which has been placed in this bill. Is is a port of entry for foreign goods and merchandise, not only for the city of Norfolk, but for the extensive system of navigable waters of which it is the central and entrance port. All the business done at the custom-houses at Petersburgh and Richmond is entered at Norfolk, and the returns for the last year show that the duties paid at those offices in gold amounted to $284,666.77 after all drawbacks had been settled by the Department.

Mr. KELLOGG. I believe the gentleman's time has expired.

Mr. PLATT, of Virginia. No, it has not. Now, Mr. Speaker, the Government might well afford to pay two or three times the amount of salary paid to this officer at this port. We are to have a weekly line of steamers connecting Norfolk with Europe, and there will be arrivals of foreign steamers every week. A grand trunk line of railroad is now completed from Norfolk to Bristol, Tennessee, which will carry more freight than any other line in the South, and which is about to become a bonded railroad. The Secretary of the Treasury and the very competent head of the custom-house department——

Mr. KELLOGG. I call the gentleman to order; his time has expired.

Mr. PLATT, of Virginia. I want to know who keeps the time on this floor; the Speaker, or the gentleman from Connecticut?

Mr. KELLOGG. I yielded only five minutes to the gentleman.

Mr. PLATT, of Virginia. And I wish to know if the five minutes have expired?

The SPEAKER. Not quite.

Mr. KELLOGG. I yielded to the gentleman five minutes, and it took three-fourths of his time to read that letter.

Mr. PLATT, of Virginia. I was about saying that the Secretary of the Treasury and the head of the customs department, and everybody else excepting this Committee on Civil Service Reform, all unite in saying that the abolition of this office and the removal of this officer would be a detriment to the best interests of the Government of the United States. I ask the House not to strike this officer down and not to pass this bill without careful consideration and understanding the facts of the case.

Mr. KELLOGG. I would simply say in reply to the gentleman from Virginia [Mr. PLATT] that there were about $29,000 collected, which cost over $33,000 to collect, or 119 per cent.; and they had twenty-nine employés to do it. I think they ought to be satisfied with officers enough to take all the customs they collect and more also. I now call for a vote.

Mr. PARSONS. Will the gentleman allow me to move an amendment?

Mr. KELLOGG. The gentleman from Ohio [Mr. PARSONS] wants to move to strike out "Cleveland." I allow that amendment to be offered, and I now call the previous question on the bill and amendments.

The question was taken on seconding the previous question; and there were—ayes 103, noes 19; no quorum voting.

Tellers were ordered; and Mr. KELLOGG, and Mr. PLATT of Virginia, were appointed.

The House again divided; and the tellers reported that there were—ayes 124, noes 24.

So the previous question was seconded, and the main question was then ordered.

The first question was upon the amendment to strike out "Norfolk, Virginia;" and being taken, it was not agreed to upon a division, ayes 31, noes not counted.

The next question was upon striking out "Cleveland, Ohio;" and being taken, it was not agreed to.

Mr. PARSONS. I move that the bill be laid on the table.

The question was taken; and there were ayes 13, noes not counted.

Mr. PARSONS. I call for tellers.

Tellers were not ordered; there being only 4 in the affirmative.

So the motion to lay on the table was not agreed to.

Mr. CONGER. Is it in order to move to recommit this bill with the letters from the Secretary of the Treasury?

The SPEAKER. That is not now in order, the previous question being partly executed.

Mr. PLATT, of Virginia. I rise to make a parliamentary inquiry.

Mr. KELLOGG. I object to parliamentary inquiries at this time, or any other inquiries.

Mr. PLATT, of Virginia. Have I a right to make a parliamentary inquiry?

The SPEAKER. If it be a parliamentary inquiry.

Mr. PLATT, of Virginia. What became of the motion to recommit this bill?

Mr. KELLOGG. It was withdrawn, and I called the previous question.

Mr. PLATT, of Virginia. When was it withdrawn? I call for the record.

The SPEAKER. The motion to recommit must have been withdrawn before any amendment could be offered.

Mr. KELLOGG. The gentleman knows that I withdrew it, for he moved an amendment himself; and I withdrew it out of courtesy to him and other members who desired to offer amendments.

Mr. PARSONS. The gentleman from Connecticut [Mr. KELLOGG] promised that I should make a speech on the necessities of an appraiser at Cleveland, and he has not given me that privilege.

Mr. KELLOGG. I call for a vote. There was no time for a speech left in the hour.

The bill, as amended, was then ordered to be engrossed and read a third time.

Mr. CONGER. I call for the reading of the engrossed copy.

Mr. WILLARD, of Vermont. Then I will move to reconsider the last vote, and on that call the yeas and nays; so that the bill may be engrossed while the roll is being called.

Mr. CONGER. I will withdraw my call for the reading of the engrossed copy. I made it merely that the committee might have until to-morrow, when they would have another morning hour, to review this bill and make some corrections in it, which I am certain they would desire to make before passing it. That was my only object, and I withdraw my call.

The bill was then read the third time, and passed.

Mr. KELLOGG 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.

ORDER OF BUSINESS.

Mr. MAYNARD. I call for the regular order.

The SPEAKER. The regular order is the currency bill.

ELECTION OF SENATORS BY THE PEOPLE.

Mr. CREAMER, by unanimous consent, introduced a joint resolution (H. R. No. 86) proposing an amendment to the Constitution of the United States, providing for the election of Senators of the United States by the people of the respective States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CONDEMNED ORDNANCE FOR MONUMENTAL PURPOSES.

Mr. WOODWORTH, by unanimous consent, introduced a bill (H. R. No. 2980) to authorize the Secretary of War to deliver to the Alliance Soldiers' Monument Association, of Alliance, Ohio, condemned ordnance for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

UNITED STATES LANDS IN VIRGINIA.

Mr. SENER. On Thursday last I introduced a bill releasing the claims of the United States to certain lands in the counties of Accomac and Northampton, in the State of Virginia, owned by the United States, which was referred to the Committee on Revision of the Laws. I find that the whole subject is in the hands of the Committee on Ways and Means, and I ask that the reference of the bill be changed accordingly.

No objection was made, and it was so ordered.

MARY J. COATES.

Mr. CLAYTON, by unanimous consent, introduced a bill (H. R. No. 2981) granting a pension to Mary J. Coates; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAY OF COMMITTEE CLERK.

Mr. CRITTENDEN, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the compensation of the clerk of the Committee on Invalid Pensions shall hereafter be the same as that paid the clerk of the Committee on Claims.

DEED-OF-TRUST SALES IN DISTRICT OF COLUMBIA.

Mr. CHIPMAN, by unanimous consent, introduced a bill (H. R. No. 2982) relating to sales under deeds of trust in the District of Colum-

bia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NATIONAL CURRENCY—FREE BANKING.

The SPEAKER. The House resumes the consideration of the special order, being the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes. The Chair will state the position of this bill. The first amendment pending is that of the gentleman from Massachusetts, [Mr. E. R. HOAR,] which is an amendment to the original bill of the committee. The next amendment is that offered by the gentleman from Ohio, [Mr. FOSTER.] There is also pending a substitute offered by the gentleman from Massachusetts [Mr. BUTLER] for the bill of the committee; and the gentlemen from Indiana [Mr. WILSON] has offered a substitute for that amendment.

Mr. BUTLER, of Massachusetts. Upon the assurance of the chairman of the Committee on Banking and Currency [Mr. MAYNARD] that after the bill of the committee shall have been voted upon he will go with the friends of the Senate bill to take if up, I withdraw my substitute; and I am also instructed to say that the gentleman from Indiana [Mr. WILSON] withdraws his amendment.

The SPEAKER. That would necessarily be withdrawn by the withdrawal of the proposition to which it is an amendment.

Mr. E. R. HOAR. With the consent of the gentleman from Tennessee I desire to modify the amendment I introduced the other day.

The SPEAKER. The gentleman has a right to modify it, as the previous question is not yet operating.

Mr. MAYNARD. Before the gentleman from Massachusetts [Mr. E. R. HOAR] modifies his amendment, I beg to repeat what I said on a former day, that when the present bill shall have been disposed of by the House, it is my intention either myself to move to go to the Speaker's table, or to sustain such a movement on the part of any one else; and when the Senate bill shall be reached, should I obtain the floor, I shall move to put that bill on its passage, without amendment, and on the motion shall ask the previous question, so that the sense of the House may be promptly tested on that proposition.

I will say, further, that two gentlemen who have amendments pending, the gentleman from Massachusetts [Mr. E. R. HOAR] and the gentleman from Ohio, [Mr. FOSTER,] have intimated to me that they desire to modify their amendments before the House acts upon them. I think it fair and proper that those gentlemen should have that opportunity; I feel no disposition to deprive them of it. The gentleman from Minnesota [Mr. DUNNELL] tells me that his colleague, Mr. STRAIT, who has been absent by reason of sickness, has sent to him an amendment, which, out of regard for an absent colleague who is sick, he desires to have read at the desk.

Mr. DUNNELL. I send to the Clerk the amendment which my colleague would have offered if he had been present and had obtained the opportunity.

The Clerk read as follows:

Add to the bill as new sections the following:

SEC. —. That if the amount of national-bank currency issued under this act shall exceed the sum of $400,000,000, the Secretary of the Treasury is hereby authorized and directed to retire and cancel outstanding legal-tender notes to the amount of 50 per cent. of such excess until the amount of outstanding legal-tenders shall be reduced to $300,000,000; and if the amount of national bank-currency issued as aforesaid shall exceed $600,000,000, the Secretary of the Treasury is authorized to retire and cancel legal-tenders to the full amount of such excess until the amount of outstanding legal-tenders shall be reduced to $200,000,000.

SEC. —. That so much of the fifth section of an act entitled "An act to authorize the issue of United States notes and for the redemption and funding thereof, and for funding the floating debt of the United States," approved February 25, 1862, as relates to the purchase or payment of 1 per cent. of the entire debt of the United States annually and the setting the same apart as a sinking fund, be so amended that said purchase of 1 per cent., as therein prescribed, shall apply to the extent of the legal-tender notes retired and canceled under the preceding section of this act.

Mr. MAYNARD. It will be seen that the principle of that proposed amendment is identical with that of the amendment already offered by the gentleman from Ohio, [Mr. FOSTER,] and therefore I would decline to admit it.

Mr. HOLMAN. I wish to say one word to the gentleman from Tennessee. No opportunity has yet been given to vote upon a proposition to retire the national-bank paper and substitute in its stead United States notes, and also to release the banks from the obligation of holding a reserve in United States notes. I trust the gentleman will allow to be offered as a substitute for the bill a proposition which will accomplish that purpose.

Mr. MAYNARD. We voted on that question the other day.

Mr. HOLMAN. We have had no vote in the House upon that distinct question; it has always been coupled with other propositions.

Mr. E. R. HOAR. I modify my amendment by striking out "September 1, 1874," in both places where that date is found, and inserting "July 4, 1876." I wish merely to say that, while I should prefer the earlier date, I have consented to this modification on the assurance of numerous members of the House that in this form the amendment will be more satisfactory to them.

Mr. FOSTER. I send to the Clerk my amendment in the form in which I have modified it.

The Clerk read as follows:

SEC. —. That whenever the national-bank note circulation shall exceed the aggregate of $400,000,000, the Secretary of the Treasury is hereby authorized and directed, so far as the fund hereinafter provided will permit, to retire, redeem, and cancel legal-tender notes of the United States to the extent of 25 per cent. of such excess until the outstanding and unpaid legal-tender notes of the United States shall be reduced to the amount of $300,000,000.

SEC. —. That to enable the Secretary of the Treasury to perform the duty imposed by the preceding section, so much of the fifth section of the act entitled "An act to authorize the issue of United States notes, and for the funding and redemption thereof, and for funding the floating debt of the United States," approved February 25, 1862, as relates to the purchase or payment of 1 per cent. of the entire debt of the United States annually, and the setting the same apart as a sinking fund, be so amended that said purchase of 1 per cent. therein prescribed shall apply to the extent of the legal-tender notes of the United States directed to be retired, redeemed, and canceled under the preceding section of this act.

Mr. MAYNARD. Upon the bill and the two amendments now pending I move the previous question.

Mr. HOLMAN. I wish to make a parliamentary inquiry. If the previous question be not sustained, will it be in order to offer a substitute proposing to retire the national-bank paper and substitute United States notes?

The SPEAKER. Of course it would be.

Mr. HOLMAN. I trust that the gentleman from Tennessee, who has allowed all other forms of amendment to be presented, will allow such a substitute to be offered.

Mr. MAYNARD. That was the substance of a proposition which we voted on the other day.

Mr. HOLMAN. It was coupled with other matter.

On seconding the previous question the Speaker ordered tellers; and appointed Mr. MAYNARD and Mr. HOLMAN.

The House divided; and the tellers reported—ayes 114, noes 83.

So the previous question was seconded.

The main question was ordered.

The SPEAKER. The first question is upon the amendment of the gentleman from Massachusetts, [Mr. E. R. HOAR,] which will be read as modified.

The Clerk read as follows:

SEC. —. That from and after the 4th day of July, in the year 1876, nothing but gold and silver coin of the United States shall be a legal tender for the payment of any debts thereafter contracted.

SEC. —. That from and after the 4th day of July, in the year 1876, every holder of United States notes shall have the right to exchange them at the Treasury of the United States in sums of $100, or any multiple thereof, for bonds of the United States, coupon or registered, bearing interest at the rate of 4½ per cent. a year, payable semi-annually; which bonds shall be redeemable after ten years from their date at the pleasure of the United States, and payable at thirty years from their date, payable, principal and interest, in gold; and the notes so exchanged shall be canceled and destroyed and not reissued, and no new notes shall be reissued in lieu thereof.

Mr. HOLMAN. On this amendment I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 70, nays 171, not voting 49; as follows:

YEAS—Messrs. Albert, Arthur, Barnum, Bass, Bromberg, Buffinton, Clayton, Clymer, Cox, Crooke, Curtis, Dawes, De Witt, Eames, Frye, Garfield, Gooch, Eugene Hale, Hamilton, Hancock, Benjamin W. Harris, Joseph R. Hawley, Herndon, E. Rockwood Hoar, George F. Hoar, Hooper, Hynes, Kellogg, Kendall, Lawson, Lowndes, Luttrell, Magee, MacDougall, Mitchell, Moore, Nesmith, Niles, Page, Hosea W. Parker, Pendleton, Perry, Phelps, Pierce, Pike, James H. Platt, jr., Poland, Potter, Randall, Rice, Ellis H. Roberts, Sawyer, John G. Schumaker, Scofield, Small, Smart, John Q. Smith, Speer, Starkweather, Tremain, Waldron, Wheeler, Whitehouse, Charles W. Willard, George Willard, John M. S. Williams, Willie, Ephraim K. Wilson, Wood, and Woodford—70.

NAYS—Messrs. Adams, Albright, Atkins, Averill, Barber, Barrere, Barry, Beck, Begole, Bell, Biery, Bland, Blount, Bowen, Bradley, Bright, Brown, Buckner, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Caldwell, Cannon, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Cotton, Creamer, Crittenden, Crounse, Crutchfield, Danford, Darrall, Davis, Dobbins, Donnan, Duell, Dunnell, Durham, Eden, Eldredge, Farwell, Field, Fort, Foster, Freeman, Gunckel, Hagans, Harmer, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hereford, Hodges, Holman, Houghton, Hubbell, Hunter, Hunton, Hurlbut, Hyde, Jewett, Kasson, Kelley, Killinger, Knapp, Lamison, Lamport, Lansing, Lewis, Lofland, Loughridge, Lowe, Marshall, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, McJunkin, McKee, McLean, McNulta, Mellish, Merriam, Milliken, Mills, Monroe, Morey, Myers, Neal, Niblack, Nunn, O'Neill, Orr, Orth, Packard, Packer, Isaac C. Parker, Pelham, Phillips, Thomas C. Platt, Pratt, Rainey, Rapier, Ray, Richmond, Robbins, William R. Roberts, Ross, Milton Sayler, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloss, A. Herr Smith, George L. Smith, H. Boardman Smith, Snyder, Southard, Sprague, Stanard, St. John, Stone, Stowell, Christopher Y. Thomas, Tyner, Vance, Waddell, Wallace, Jasper D. Ward, Marcus L. Ward, Wells, White, Whitehead, Whiteley, Whitthorne, Wilber, Charles G. Williams, William Williams, James Wilson, Jeremiah M. Wilson, Woodworth, John D. Young, and Pierce M. B. Young—171.

NOT VOTING—Messrs. Archer, Ashe, Banning, Berry, Freeman Clarke, Crocker, Crossland, Elliott, Giddings, Glover, Robert S. Hale, Hendee, Hersey, Hoskins, Howe, Lamar, Lawrence, Leach, Lynch, Morrison, Negley, O'Brien, Parsons, Purman, Ransier, Read, James C. Robinson, James W. Robinson, Rusk, Henry B. Sayler, Henry J. Scudder, Sloan, J. Ambler Smith, William A. Smith, Standiford, Stephens, Storm, Strait, Strawbridge, Swann, Sypher, Taylor, Charles R. Thomas, Thornburgh, Todd, Townsend, Walls, William B. Williams, Wilshire, and Wolfe—49.

So the amendment was rejected.

During the vote,

Mr. GIDDINGS stated that he was paired with Mr. SMITH, of Virginia, who, if present, would vote in the negative, while he would vote in the affirmative.

Mr. SCUDDER, of New York, stated that he was paired on this and all kindred subjects with Mr. THORNBURGH, who would vote in the negative, while he would vote in the affirmative.

Mr. SAYLER, of Indiana, stated that he was paired with Mr. TOWNSEND, of Pennsylvania, who would, if present, vote in the affirmative, while he would vote in the negative.

Mr. BRADLEY stated that his colleague, Mr. WILLIAMS, was necessarily absent; but he could not state how he would vote, if present, on this question.

Mr. RAINEY stated that Mr. RANSIER, who was absent on account of illness, would, if present, vote in the negative.

Mr. LYNCH stated that he was paired with Mr. ELLIOTT, who would vote in the affirmative, while he would vote in the negative.

Mr. POLAND stated that his colleague, Mr. HENDEE, who was necessarily absent, would, if present, vote in the affirmative.

The vote was then announced as above recorded.

The question next recurred on the amendment of Mr. FOSTER, as modified.

Mr. FOSTER demanded the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 103, nays 133, not voting 54; as follows:

YEAS—Messrs. Albert, Albright, Barber, Barnum, Bradley, Bromberg, Buffinton, Burchard, Burleigh, Burrows, Cannon, Amos Clark, jr., Clements, Cotton, Cox, Creamer, Crooke, Darrall, Dawes, DeWitt, Donnan, Duell, Eames, Farwell, Foster, Frye, Garfield, Gooch, Gunckel, Robert S. Hale, Hamilton, Hancock, Benjamin W. Harris, John B. Hawley, Joseph R. Hawley, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hooper, Hoskins, Howe, Hubbell, Hurlbut, Kasson, Kellogg, Kendall, Lansing, Lawson, Lewis, Lowndes, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, Merriam, Mitchell, Moore, Niles, Orr, Packard, Packer, Page, Hosea W. Parker, Parsons, Pendleton, Perry, Phelps, Pierce, Pike, Thomas C. Platt, Poland, Potter, Pratt, Ray, Rice, Ellis H. Roberts, Sawyer, Scofield, Isaac W. Scudder, Sessions, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, John Q. Smith, Sprague, Starkweather, Stowell, Strawbridge, Tremain, Waldron, Jasper D. Ward, Marcus L. Ward, Wheeler, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, Ephraim K. Wilson, James Wilson, and Wood—103.

NAYS—Messrs. Adams, Arthur, Atkins, Averill, Barrere, Barry, Bass, Beck, Begole, Bell, Biery, Bland, Blount, Bowen, Bright, Brown, Buckner, Bundy, Benjamin F. Butler, Roderick R. Butler, Cain, Caldwell, Cason, Cessna, John B. Clark, jr., Clymer, Clinton L. Cobb, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Crittenden, Crounse, Crutchfield, Curtis, Danford, Davis, Dobbins, Dunnell, Durham, Eden, Eldredge, Field, Fort, Freeman, Giddings, Hagans, Harmer, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, Hays, Gerry W. Hazelton, Hereford, Herndon, Hodges, Holman, Houghton, Hunter, Hunton, Hyde, Hynes, Jewett, Kelley, Killinger, Knapp, Lamar, Lamison, Lamport, Lofland, Loughridge, Lowe, Magee, Marshall, Maynard, McLean, McNulta, Mellish, Milliken, Mills, Monroe, Myers, Neal, Niblack, Nunn, O'Neill, Orth, Isaac C. Parker, Pelham, Phillips, Rainey, Randall, Rapier, Richmond, Robbins, William R. Roberts, James W. Robinson, John G. Schumaker, Sener, Shanks, Sheats, Sheldon, Sherwood, H. Boardman Smith, Southard, Speer, Stanard, Standiford, St. John, Stone, Swann, Christopher Y. Thomas, Tyner, Vance, Waddell, Wells, White, Whitehead, Whitehouse, Whiteley, Whitthorne, William Williams, Willie, Wilshire, Jeremiah M. Wilson, Woodworth, John D. Young, and Pierce M. B. Young—133.

NOT VOTING—Messrs. Archer, Ashe, Banning, Berry, Freeman Clarke, Clayton, Crocker, Crossland, Elliott, Glover, Eugene Hale, Hendee, Hersey, Lawrence, Leach, Luttrell, Lynch, McJunkin, McKee, Morey, Morrison, Negley, Nesmith, O'Brien, James H. Platt, jr., Purman, Ransier, Read, James C. Robinson, Ross, Rusk, Henry B. Sayler, Milton Sayler, Henry J. Scudder, Sloan, Sloss, George L. Smith, J. Ambler Smith, William A. Smith, Snyder, Stephens, Storm, Strait, Sypher, Taylor, Charles R. Thomas, Thornburgh, Todd, Townsend, Wallace, Walls, William B. Williams, Wolfe, and Woodford—54.

So the amendment was rejected.

During the vote,

Mr. LYNCH stated that he was paired with Mr. ELLIOTT, who would if present vote in the affirmative, while he would vote in the negative.

Mr. SAYLER, of Indiana, stated that he was paired with Mr. TOWNSEND, who would if present vote in the affirmative, while he would vote in the negative.

Mr. BRADLEY stated that his colleague, Mr. WILLIAMS, who was necessarily absent would, if present, vote in the affirmative.

The vote was then announced as above recorded.

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

Mr. HALE, of New York. I demand the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. HOSKINS. May I inquire if this is the bill of the committee, with the seventh and eighth sections stricken out?

The SPEAKER. It is.

Mr. MAYNARD. I desire to make a parliamentary inquiry. Has the previous question exhausted itself?

The SPEAKER. It has. If there be no objection the Chair will consider the previous question seconded and the main question ordered on the passage of the bill.

Mr. MAYNARD. I yield to the gentleman from New York, [Mr. POTTER.]

Mr. POTTER. I ask unanimous consent to have an amendment read.

Several members objected.

Mr. MAYNARD. I hope there will be no objection to its being printed in the CONGRESSIONAL RECORD.

There was no objection.

Mr. POTTER's proposed amendment is as follows:

As an additional section at the end of the bill:

That the Secretary of the Treasury is hereby directed to resume the payment of the legal-tender Treasury notes of the Government in coin on the 1st day of January, 1876.

Mr. JEWETT. I also ask unanimous consent to have an amendment printed in the CONGRESSIONAL RECORD.

There was no objection.

Mr. JEWETT's proposed amendment is as follows:

Insert at the end of section 4:

Provided, That for the circulating notes so withdrawn and canceled an equal and like amount of United States notes shall be issued and used by the Secretary of the Treasury in the purchase of United States bonds, which bonds, when so purchased, shall be retired and canceled.

The question was taken on the passage of the bill; and there were—yeas 129, nays 116, not voting 45; as follows:

YEAS—Messrs. Adams, Albright, Averill, Barrere, Barry, Begole, Bell, Biery, Bowen, Bradley, Bundy, Burchard, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Cason, Cessna, John B. Clark, jr., Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Crittenden, Crounse, Crutchfield, Curtis, Darrall, Dobbins, Donnan, Dunnell, Farwell, Field, Fort, Foster, Freeman, Gunckel, Hagans, Harmer, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Houghton, Howe, Hubbell, Hunter, Hunton, Hurlbut, Hyde, Hynes, Kasson, Killinger, Lamport, Lansing, Lewis, Lofland, Loughridge, Lowe, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, McKee, McNulta, Merriam, Monroe, Morey, Myers, Nunn, Orr, Orth, Packard, Packer, Isaac C. Parker, Pelham, Phillips, James H. Platt, jr., Pratt, Rainey, Rapier, Ray, Richmond, Robbins, James W. Robinson, Ross, Rusk, Sawyer, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloss, A. Herr Smith, George L. Smith, Snyder, Sprague, Stanard, St. John, Stowell, Strawbridge, Tyner, Vance, Wallace, Jasper D. Ward, Wells, White, Whitehead, Whiteley, Charles G. Williams, William Williams, Wilshire, James Wilson, Jeremiah M. Wilson, and Woodworth—129.

NAYS—Messrs. Albert, Arthur, Atkins, Banning, Barnum Bass, Beck, Bland, Blount, Bright, Bromberg, Brown, Buckner, Buffinton, Burleigh, Caldwell, Amos Clark, jr., Clayton, Clymer, Comingo, Cotton, Cox, Creamer, Crooke, Danford, Davis, Dawes, DeWitt, Durham, Eames, Eden, Eldredge, Frye, Garfield, Gooch, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Benjamin W. Harris, Hathorn, Joseph R. Hawley, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Holman, Hooper, Hoskins, Kelley, Kellogg, Kendall, Knapp, Lawson, Lowndes, Luttrell, Magee, Marshall, MacDougall, McLean, Mellish, Milliken, Mills, Mitchell, Moore, Neal, Nesmith, Niblack, Niles, O'Neill, Page, Hosea W. Parker, Parsons, Pendleton, Perry, Phelps, Pierce, Pike, Thomas C. Platt, Poland, Potter, Randall, Read, Rice, Ellis H. Roberts, William R. Roberts, Milton Sayler, John G. Schumaker, Scofield, Small, Smart, H. Boardman Smith, John Q. Smith, Southard, Speer, Standiford, Starkweather, Stone, Swann, Christopher Y. Thomas, Tremain, Waldron, Marcus L. Ward, Wheeler, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, John M. S. Williams, Willie, Ephraim K. Wilson, Wood, Woodford, John D. Young, and Pierce M. B. Young—116.

NOT VOTING—Messrs. Archer, Ashe, Barber, Berry, Freeman Clarke, Cook, Crocker, Crossland, Duell, Elliott, Giddings, Glover, Hendee, Hersey, Jewett, Lamar, Lamison, Lawrence, Leach, Lynch, McJunkin, Morrison, Negley, O'Brien, Purman, Ransier, James C. Robinson, Henry B. Sayler, Henry J. Scudder, Sloan, J. Ambler Smith, William A. Smith, Stephens, Storm, Strait, Sypher, Taylor, Charles R. Thomas, Thornburgh, Todd, Townsend, Waddell, Walls, William B. Williams, and Wolfe—45.

So the bill was passed.

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

Mr. GIDDINGS. I am paired with Mr. SMITH, of Virginia. If he were here he would vote "ay," and I would vote "no."

Mr. SCUDDER, of New York. I am paired with Mr. THORNBURGH, of Tennessee. If he were here he would vote "ay," and I would vote "no."

Mr. SAYLER, of Indiana. I am paired with Mr. TOWNSEND, of Pennsylvania. If present he would vote "no," and I would vote "ay."

Mr. RAINEY. My colleague, Mr. RANSIER, is confined to his room by sickness. If present he would vote "ay."

Mr. LYNCH. I am paired with Mr. ELLIOTT, of South Carolina. If he were here he would vote in the negative, and I would vote in the affirmative.

Mr. BRADLEY. My colleague, Mr. WILLIAMS, is absent. If he were here he would vote "no."

Mr. LAMISON. I voted inadvertently and desire to withdraw my vote. I am paired with Mr. NEGLEY, of Pennsylvania. If present he would vote "ay," and I would vote "no."

Mr. LAMAR. I was out of the House on committee business and did not get back in time to give my vote. If here I should have voted "no."

The SPEAKER. Has the committee had leave to sit during the sessions of the House?

Mr. LAMAR. No, sir.

Mr. COX. I desire to state on behalf of Mr. STORM, of Pennsylvania, that he and Mr. YOUNG, of Kentucky, had paired in case they differed. Mr. YOUNG having voted "no," and Mr. STORM being of the same opinion on this question, I desire to state on his behalf that if he had been here he would have voted "no."

Mr. BUTLER, of Massachusetts. I desire to say that my colleague, Mr. CROCKER, who is detained by sickness, is paired with Mr. SMITH, of North Carolina. Mr. CROCKER would, if here, have voted "no," and Mr. SMITH "ay."

Mr. MARSHALL. My colleague, Mr. ROBINSON, is necessarily absent. If here he would vote in the negative.

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

Mr. MAYNARD 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. MAYNARD. I also move that the title of the bill do stand.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the amendment of the House to the bill (S. No. 580) to authorize the employment of certain aliens as engineers and pilots.

The message also announced that the Senate had passed without

amendment the bill (H. R. No. 1220) for the relief of William Rood, late private of the Thirty-sixth Regiment of Wisconsin Volunteers.

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

A bill (S. No. 378) to provide for the incorporation and regulation of certain railroad companies in the Territories of the United States, and granting to railroads the right of way through the public lands; and

A bill (S. No. 326) for the delivery to James B. Betts, receiver, of certain bonds now in the Treasury of the United States of America.

BUSINESS ON THE SPEAKER'S TABLE.

Mr. BUTLER, of Massachusetts. I now move that the House proceed to consider business on the Speaker's table. I make that motion for the purpose of reaching the Senate bill in relation to currency and free banking.

The question being taken, there were—ayes 144, noes 42.

Mr. ELLIS H. ROBERTS. I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 27, not a sufficient number.

Mr. HAWLEY, of Connecticut, called for tellers on the yeas and nays.

On the question of ordering tellers on the yeas and nays there were ayes 22, not one-fifth of a quorum.

The SPEAKER. Tellers are refused, the yeas and nays are refused, the motion is agreed to, and the House proceeds to consider business on the Speaker's table.

VETO MESSAGE—WILLIAM H. DENNISTON.

The first business on the Speaker's table was the following veto message from the President of the United States:

To the House of Representatives:

I have the honor to herewith return to you, without my approval, House bill No. 1224, entitled "An act for the relief of William H. Denniston, late an acting second lieutenant, Seventieth New York Volunteers," for reasons set forth in the accompanying letter of the Secretary of War.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, April 10, 1874.

Mr. HOLMAN. I hope the letter of the Secretary of War will be read.

Mr. RANDALL. I suppose it would be in order to move to refer the message with the accompanying letter to the Committee on Military Affairs.

Mr. HOLMAN. I call for the reading of the letter.

The SPEAKER. The real principle of the veto is contained in the letter, and it would be proper to have it read.

The Clerk read the letter of the Secretary of War, as follows:

WAR DEPARTMENT,
Washington City, April 8, 1874.

SIR: I have the honor to return House bill No. 1224, "for the relief of William H. Denniston, late an acting second lieutenant Seventieth New York Volunteers," with the remark that the name of William H. Denniston as an officer or private is not borne on any rolls of the Seventieth New York Volunteers on file in the Department. Of this fact the Committee on Military Affairs of the House of Representatives was informed by letter from the Adjutant-General's Office, dated December 19, 1873.

No vacancy existed in Company D (the company claimed) of this regiment for a second lieutenant during the period claimed, Second Lieutenant J. B. Ziegler having filled that position to May 2, 1862, and Second Lieutenant James Stevenson from that date to June 25, 1862. On regimental return for July, 1862, Edward Shields is reported promoted second lieutenant June 15, 1862.

There is no evidence in the Department that he actually served as a second lieutenant for the time covered by the bill herewith, and it is therefore respectfully recommended that the bill be returned to the House of Representatives without approval.

When the records of the War Department, prepared under laws and regulations having in view the establishment and preservation of data necessary to the protection of the public interests as well as that of the claimants, fail to show service, it is a subject of importance to legalize a claim wherein the Military Department of the Government has not seen the order under which the alleged service may have been claimed. A precedent of the kind is, beyond doubt, an injury to the public interest, and will tend to other special acts of relief under which thousands of muster-rolls certified at the date, under the Articles of War, as exhibiting the true state of the command will be invalidated, and large appropriations of money will be required to settle claims, the justness of which cannot always be determined at a date so remote from their origin.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The PRESIDENT.

Mr. COBURN. I move that the message and accompanying letter be referred to the Committee on Military Affairs, and printed.

The motion was agreed to.

CLAIMS FOR INDIAN DEPREDATIONS.

The SPEAKER, as the next business on the Speaker's table, laid before the House communications from the Acting Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, claims for Indian depredations of the following parties: John J. North, Purcell & Echelberger, Sarah L. Mills, L. Valdez and F. P. Abren, C. R. Roberts, Aretus Whitcomb, H. A. Bateman, William Hewett, William F. Sutton, Thomas Callahan, and Thomas Lannon.

The communications were severally referred to the Committee on Indian Affairs.

APPROPRIATIONS FOR MILITARY SERVICE.

The next business on the Speaker's table was a letter from the Secretary of War, transmitting, in compliance with the act of May 1, 1820, a statement showing the appropriations for the military service for the preceding year, &c.; which was referred to the Committee on Appropriations, and ordered to be printed.

MRS. J. K. POLK.

The next business on the Speaker's table was a letter from the commissioner of claims, transmitting, in compliance with the request of the House, papers and proof in the case of Mrs. J. K. Polk, widow of the late President of the United States; which was referred to the Committee on War Claims, and ordered to be printed.

MILITIA FORCES OF THE UNITED STATES.

The next business on the Speaker's table was a letter from the Secretary of War, transmitting, in compliance with the act of March 2, 1803, an abstract of the militia forces of the United States, according to the late returns; which was referred to the Committee on the Militia, and ordered to be printed.

TREATY WITH CHOCTAWS AND CHICKASAWS.

The next business on the Speaker's table was a letter from the Acting Secretary of the Interior, in relation to a treaty made with the Choctaw and Chickasaw Indians, April 28, 1866; which was referred to the Committee on Indian Affairs, and ordered to be printed.

PRIVATE LAND CLAIM.

The next business on the Speaker's table was a letter from the Acting Secretary of the Interior, transmitting, in compliance with the act of July 22, 1854, the report of the surveyor-general of New Mexico on the land grant to Juan de Vestas, a private land claim reported as No. 80; which was referred to the Committee on Private Land Claims, and ordered to be printed.

REFUNDING NATIONAL DEBT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in answer to a resolution of the House of April 3, 1874, transmitting statements in relation to refunding the national debt; which was referred to the Committee on Ways and Means, and ordered to be printed.

CHESAPEAKE AND OHIO CANAL.

The SPEAKER also laid before the House a letter from the Secretary of War, in answer to a resolution of the House of March 20, 1874, transmitting, in compliance with the act of March 3, 1873, a report upon an examination of the waters for the extension of the Chesapeake and Ohio Canal to the Ohio River; which was referred to the Committee on Railways and Canals, and ordered to be printed.

REFUNDING OF MONEY BY THE TREASURY.

The SPEAKER also laid before the House the following communication from the Secretary of the Treasury:

TREASURY DEPARTMENT,
Washington, D. C., April 8, 1874.

SIR: In compliance with the direction contained in the resolution of the House of Representatives adopted on the 8th of January last, I have the honor to transmit herewith a statement of the amount of money refunded from the 4th of March, 1873, to the date of said resolution, on account of customs duty and internal taxes previously paid into the Treasury, the names of the persons to whom paid, and the amount to each respectively, and upon what articles the said refunds were made, together with a recital of the reasons for said payments, and the laws under which the same were made.

The total sum thus refunded on account of customs duty is $4,461,720.39, payments of which were made as follows:

Refunded directly from the Department on certified statements, for principal, interest, and costs	$1,822,740 75
From the port of New York, on account of excess of deposits and under the decisions of the Department	1,871,785 72
Of which amount there was refunded pursuant to the decisions of the Department $968,019.05; and on account of excess of deposits for unascertained duties $903,769.67.	
From the port of Boston	187,873 38

In the statement from Boston it will be observed that no reasons are given for the refunds; but I understand that almost the entire amount thus refunded was excess of deposits found due on liquidation of entries.

From the port of Chicago	$114,463 10
From the port of New Orleans	64,553 04
From the port of Portland, Maine	2,582 28
From the port of Baltimore	42,777 53
From the port of Philadelphia	190,120 59
From the port of San Francisco	150,828 10

The Department has not yet received a detailed statement from the port of San Francisco, but does not deem it proper to further delay a compliance with said resolution in order to await its receipt. It will be duly forwarded as soon as received.

From the other ports, the details of which are presented in the accompanying statement	$13,995 90

It will be observed that the return from the port of Cincinnati fails to show the articles upon which refund was made.

In addition to these payments on account of customs duties there were refunded on account of internal taxes during said time	$282,271 62

The amount refunded during the fiscal year ending June 30, 1873, was $3,120,192.90, which covers a portion of the time embraced by this resolution. As the amount refunded since the 4th of March, 1873, is largely in excess of that refunded for the corresponding period of the preceding year, I deem it proper to say that during the period covered by this resolution large refunds have been made in consequence of the decisions of the courts made before and since said 4th of March upon cases which arose long prior to my advent into office, some of the suits dating back twenty years.

As a general rule the cases in which customs duties were refunded by this Department pursuant to the decisions referred to were covered by protests, appeals, and suits in the manner required by the fourteenth section of the act of Congress approved June 30, 1864; the sixteenth section of which act provides that "whenever it

shall be shown to the satisfaction of the Secretary of the Treasury that in any case of unascertained duties, or duties or other moneys paid under protest and appeal, as hereinbefore provided, more money has been paid to the collector or person acting as such than the law requires should have been paid, it shall be the duty of the Secretary of the Treasury to draw his warrant upon the Treasury in favor of the person or persons entitled to the overpayment, directing the said Treasurer to refund the same out of any money in the Treasury not otherwise appropriated."

The reasons for the repayments will be found set forth at length in the several exhibits accompanying these documents, together with copies of the correspondence relative thereto and the opinions of the law officers of the Government upon the questions involved, where such opinions were given.

I am, very respectfully,

WM. A. RICHARDSON,
Secretary of the Treasury.

Hon. JAMES G. BLAINE,
Speaker House of Representatives.

The letter, with the accompanying papers, was referred to the Committee on Ways and Means, and ordered to be printed.

PERUVIAN STEAMSHIP RAYO.

The next business on the Speaker's table was the Senate amendment to the bill (H. R. No. 2186) granting an American registry to the American-built Peruvian steamship Rayo, now rebuilt in the United States and converted into a sailing-vessel.

The Senate amendment was to strike out the words at the end of the bill, "or other proper name;" so as to provide that the vessel should be registered by the name of The Star of the West.

Mr. HARRIS, of Massachusetts. I move that the amendment be concurred in.

The amendment was concurred in.

WHITE EARTH INDIAN RESERVATION.

The next business on the Speaker's table were Senate amendments to the bill (H. R. No. 1930) to secure to the Episcopal Board of Missions the land of the White Earth Indian reservation in Minnesota.

The amendments of the Senate were to change the name "Episcopal Board of Missions" to "Domestic and Foreign Missionary Society of the Protestant Episcopal Church of the United States," and to amend the bill and title to correspond thereto.

Mr. AVERILL. I move that the amendments of the Senate be concurred in.

The amendments were concurred in.

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

The latter motion was agreed to.

JOHN RZIHA.

The next business on the Speaker's table was the Senate amendment to the bill (H. R. No. 1003) to authorize and direct the Secretary of War to change the name of John Rziha, captain in the Fourth Regiment of Infantry of the Army of the United States, in the register, rolls, and records of the Army, to John Laube de Laubenfels.

The amendment of the Senate was to strike out the preamble.

Mr. COBURN. I move the amendment be concurred in.

The amendment was concurred in.

ALBERT ROSS.

The next business on the Speaker's table were amendments of the Senate to the bill (H. R. No. 1942) authorizing the President of the United States to appoint Albert Ross to the active list of the Navy.

The amendments of the Senate were as follows:

Strike out all after the enacting clause, and insert in lieu thereof the following: That the Secretary of the Navy be authorized to order Master Albert Ross, now on the retired list, to duty on board of a cruising vessel of war, and to have duty pay and allowances; and if, at the expiration of one year's sea service, he is reported upon as physically qualified for promotion, to order him before the usual examining board for promotion, and, if he is found qualified, the President of the United States is authorized, by and with the advice and consent of the Senate, to appoint him a lieutenant on the active list, next below Lieutenant Edwin S. Jacob: *Provided*, That he shall not receive any extra pay for the time he was on the retired list, and not on active duty, prior to his restoration under this act.

Also amend the title so that it will read:

A bill authorizing the Secretary of the Navy to employ a retired officer at sea, and, if physically and professionally qualified to perform his duties, the President is authorized to restore him to the active list.

Mr. BURLEIGH. I move that the amendments of the Senate be concurred in.

The motion was agreed to.

SMITHSONIAN REPORT.

The next business on the Speaker's table was the following concurrent resolution; which was read, and, under the law, referred to the Committee on Printing:

Resolved, (*the House of Representatives concurring,*) That seventy-five hundred additional copies of the report of the Smithsonian Institution for the year 1873 be printed for the use of the institution: *Provided*, That the aggregate number of pages of said report shall not exceed four hundred and fifty, and that there shall be no illustrations except those furnished by the Smithsonian Institution.

CURRENCY.

The next business on the Speaker's table was the bill (S. No. 617) to fix the amount of United States notes and the circulation of national banks, and for other purposes.

Mr. MAYNARD. I shall move to put that bill on its passage. In the first place, I ask that it be read.

Mr. GARFIELD. I desire to reserve all points of order upon the bill until it shall have been read.

The SPEAKER. Points of order are always good until the bill is read.

The bill was read, as follows:

Be it enacted, &c., That the maximum amount of United States notes is hereby fixed at $400,000,000.

SEC. 2. That forty-six millions in 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. And each national banking association, now organized or hereafter to be organized, shall keep and maintain, as a part of its reserve required by law, one-fourth part of the coin received by it as interest on bonds of the United States deposited as security for circulating notes or Government deposits; and that hereafter only one-fourth of the reserve now prescribed by law for national banking associations shall consist of balances due to an association available for the redemption of its circulating notes from associations in cities of redemption, and upon which balances no interest shall be paid.

Mr. G. F. HOAR and Mr. GARFIELD rose.

Mr. MAYNARD. I move that this bill be put on its passage, and on that motion I demand the previous question.

Mr. COX. Would it be in order to move that the House adjourn? It is not desirable that we should act on this bill hastily.

The SPEAKER. The gentleman from Massachusetts [Mr. G. F. HOAR] and the gentleman from Ohio [Mr. GARFIELD] are both claiming the floor, as the Chair understands, upon points of order, which must be settled before the bill goes to a second and third reading.

Mr. G. F. HOAR. I make the point of order that this bill must have its first consideration in the Committee of the Whole under four different principles which have been settled by this House and are declared in the rules. In the first place, it is a bill to increase the public debt; and the Chair early in the session held that the rules of the House require such a bill to receive its first consideration in the Committee of the Whole. Next, it is a bill which requires an appropriation of money, and comes within the rule on that subject as amended at the present session. Third, it is a bill amending several previous acts upon the same subject; and under the statement made by the Chair last Thursday in regard to the amendment of the gentleman from Kentucky, [Mr. BECK,] all the provisions in the acts to which this bill is an addition would themselves be germane amendments to this bill; and many of those provisions require appropriations of money and expressly make them. Fourth, the bill requires a tax upon the people. If the Chair will permit me to make a very short statement——

The SPEAKER. The Chair will hear the gentleman fully.

Mr. G. F. HOAR. I will not abuse the patience of the House or of the Chair.

The SPEAKER. The Chair will gladly hear the gentleman.

Mr. G. F. HOAR. The first section of this bill fixes the maximum amount of United States notes at $400,000,000. Now, it is true that it is claimed by some very respectable authorities that this is the amount authorized by existing law, while others claim that the existing law limits the amount to $356,000,000 or $382,000,000. But it is immaterial which of those claims is correct. By the vigor of this enactment, if the bill should become a law, what before was doubtful and unsettled will be settled, and the amount of this kind of indebtedness will be fixed at $400,000,000 by the force of a new law. More than that, it would clearly be a germane amendment to this section to strike out $400,000,000 and insert $500,000,000. In the second section, the bill requires distinctly an appropriation of money—not a large one it is true, but sufficient to bring it within the principle of the rule; for an expenditure of even $100 must first be considered in the Committee of the Whole. These $46,000,000 of notes for circulation are to be issued to national banking associations and paid for from the United States Treasury; and the money for this expenditure, if the bill takes effect, is required to be appropriated. It is true that under the previous law the United States Treasury will some time be reimbursed for this expenditure by a tax on the circulation of these banks; but it would be perfectly competent for the House, by an amendment, to strike out that provision for reimbursement. The Chair has several times during the present session held, and the House has agreed, that a proposition for a sale of land, although it is to be sold for its full cash value, is a proposition to appropriate property of the United States. A proposition therefore to advance from the Treasury of the United States the cost of supplying these banks with notes is liable to the point of order, although it may be provided that the United States shall be reimbursed by a tax on a certain species of property, if the latter provision should not be struck out by an amendment, as it may be. In the next place, the fact that this second section requires a tax upon the people brings it within the express provision of the one hundred and tenth rule of the House; and for this reason also it must go to the Committee of the Whole.

But further, Mr. Speaker, this bill, although not entitled an amendment to the original statute of 1862 and the various subsequent statutes on the subject, refers to one of them in its second section for its construction and enforcement; and manifestly every sentence of it requires a reference to those previous acts in order to explain its meaning and to supply the mechanism by which it is to go into effect. Each one of those acts contains an express appropriation of money from the Treasury of the United States for the purpose of enabling the act to be carried into effect. Now certainly it would be competent to move to this bill an amendment providing that the $46,000,000

of notes to be provided by the United States should be paid for from the Treasury in some different way or by a tax on some different class of property, or should be paid for from the Treasury without reimbursement. For all these reasons it seems to me that this bill is liable to the point of order. Nothing is to be gained by repeating my statements if I have made my points understood by the Chair.

The SPEAKER. The Chair appreciates the gentleman's points.

Mr. GARFIELD. Most of what I desired to say has been said by the gentleman from Massachusetts, [Mr. G. F. HOAR;] but I wish to call special attention to a point which I believe he has not mentioned.

Mr. CONGER. I wish to know whether this point of order is subject to debate and illustration?

The SPEAKER. The rules permit a brief explanation of a point of order. The gentleman will doubtless keep within proper limits.

Mr. GARFIELD. I call attention to the language of the rule, on page 70 of the Digest:

> No motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered; and every such proposition shall receive its first discussion in the Committee of the Whole.

It was ruled the other day by the Chair, concerning this very bill, it was not pending and would not be pending until it was reached on the Speaker's table. Therefore this bill, this measure, is now offered to the House for the first time.

I claim, therefore, under that provision of the rule, it cannot be considered to-day That is the first point I make. In the second place I claim that it is a charge upon the people. It provides for issuing a class of obligations, to pay every one of which obligations by its very term is a charge upon the people.

Mr. BUTLER, of Massachusetts. Does the gentleman refer to the first section?

Mr. GARFIELD. I do. And that charge is in the nature of taxation, no matter whether it be in the form of a promise to pay with or without interest; for I could, without any impropriety, move so to amend the first section that they should be interest-bearing Treasury notes. Certainly the Speaker could not rule such an amendment out of order as not being germane. I might move as a substitute that interest-bearing notes should be issued instead of the ordinary legal-tender notes. Nobody could then doubt that in such a form it would be a charge upon the people.

It seems to me, therefore, Mr. Speaker, this is in fact and in reality a charge upon the people, and comes under the very wise arrangement of the rules that all such charges upon the people must have a day to wait after they are offered. On that ground it cannot be offered to-day. In the next place, it must go to the Committee of the Whole, where the whole subject of a money bill must be considered under the rules governing that committee. I have no doubt an amendment providing for paying these notes hereafter would be entirely germane.

I make these points, Mr. Speaker, not because of any desire to delay or antagonize the consideration of this bill, but because I am desirous the House shall keep itself within the old safe usage of careful rulings in relation to money bills.

The SPEAKER. It is quite possible that the point made by the gentleman from Massachusetts [Mr. G. F. HOAR] and by the gentleman from Ohio [Mr. GARFIELD] against this bill would be good if it were a House bill, regularly reported from a House committee. If it lays "a tax or charge upon the people" in any form, or proposes in any way to raise revenue, it must, as a House bill, have its first discussion in Committee of the Whole. But the gentleman from Massachusetts and the gentleman from Ohio will both observe that the bill comes to us from the Senate, and if it be open to the objection urged, the Senate could not have constitutionally originated it.

Mr. GARFIELD. Then let us make that point.

The SPEAKER. That point, the gentleman from Ohio will observe, is one which the Chair has never ruled upon, because it is not for the Chair to say what the Senate of the United States may or may not properly do. On all points where the House has disagreed from the Senate on matters affecting its privilege and prerogative it has been by vote of the House. If the House therefore agrees that the Senate of the United States sends this bill here properly, then all the points made by the gentleman from Ohio and the gentleman from Massachusetts must necessarily fall, because the House cannot concede that the Senate originated this bill properly and sent it here properly, and then ask the Chair to rule that it is a tax bill and must go to the Committee of the Whole for its first discussion. A tax bill or any bill for raising revenue must originate in the House, and it would be a singular presumption on the part of the Chair to declare that the Senate had transcended its power in any given case.

Mr. GARFIELD. At this point let me suggest that the House may waive its right in that particular.

The SPEAKER. The House cannot with propriety waive on the grave question of prerogative as between the two branches and then ask the Speaker to enforce a subordinate technical rule as to the mere mode of discussing a bill. This would certainly be a most serious disregard of the weightier matters of the law.

Mr. GARFIELD. Of course we must raise that, but if we do not——

The SPEAKER. If they do not raise it the Chair is bound to presume—he cannot have any other presumption—that the House regards the bill as properly here.

Mr. GARFIELD. Then I raise the question.

The SPEAKER. That it is not properly here?

Mr. GARFIELD. I do raise the question that this bill is not properly here.

The SPEAKER. The gentleman from Ohio raises the question that this bill is not properly here, and that question must be disposed of at once.

Mr. RANDALL. What becomes of the other points raised by the gentleman?

The SPEAKER. If the bill is not properly here the other points are not before the House for the Chair to rule upon. The gentleman from Ohio now raises the point that this bill be returned to the Senate of the United States because it is not properly here, the Senate having no power under the Constitution to originate any such bill. The Chair will put that question to the House.

The House divided; and there were—ayes 64, noes 145.

Mr. GARFIELD. I demand the yeas and nays.

While the question on ordering the yeas and nays was being put,

Mr. GARFIELD said: I desire to say a word——

Mr. RANDALL. I object.

Mr. GARFIELD. Is this question not debatable?

The SPEAKER. The House is now dividing, and the Chair thinks that in consenting to a division the gentleman waived the right of discussion.

The question being taken on ordering the yeas and nays, there were—ayes 36, noes 139.

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

Mr. GARFIELD. I now desire to say a word.

Mr. RANDALL. Is debate in order?

The SPEAKER. The Chair thinks that except by unanimous consent debate is not in order.

Several members objected, and demanded the regular order.

Mr. GARFIELD. There can hardly be a higher question debated in this House.

Several members objected to debate.

The SPEAKER. The Chair does not desire to limit discussion; but he will remark that the gentleman from Ohio made his point and submitted the question, and by his consent a vote was taken upon it. That was a yielding of the floor for the decision of the House; and it is not competent for the Chair, except by consent, to interrupt the giving of that decision.

Mr. GARFIELD. The previous question has not been ordered.

Mr. RANDALL. I call for the regular order.

Mr. O'NEILL. I ask for a division by tellers.

Mr. GARFIELD. As the previous question has not been ordered, I do not see how debate is shut off.

The SPEAKER. The gentleman from Ohio will not contend that, during a division of the House, he can debate the question. The House is now engaged in perfecting the process of that division. The gentleman from Ohio made his point, debated it, and took his seat. The Chair put the question, and the House not being satisfied with the *viva voce* vote, the division was called for. Now a further process of certification of the division, by calling the yeas and nays, has been ordered. All these steps are certifications of the vote, and there is no point between them where the gentleman can stop the process and initiate debate. The result is the same as if the previous question had been ordered.

Mr. GARFIELD. If gentlemen are not willing to debate so grave a question as this——

Mr. WARD, of Illinois. I object to debate.

Mr. GARFIELD. I move to reconsider the vote by which the yeas and nays were ordered; and I desire to say a word on that.

The SPEAKER. That is not debatable, of course.

Mr. GARFIELD. I withdraw that motion, then, if gentlemen are unwilling to debate the question.

Mr. HAZELTON, of Wisconsin. I renew it.

The question being taken on the motion to reconsider the vote whereby the yeas and nays were ordered, there were ayes 27, noes not counted.

So the House refused to reconsider the vote.

Mr. BUTLER, of Massachusetts. Will the Chair again state the question?

The SPEAKER. The question is this: The motion of the gentleman from Ohio [Mr. GARFIELD] is that this bill did not properly originate in the Senate, being a bill levying a tax and charge upon the people and that the House shall so declare, and instruct the Clerk to return it to the Senate with that message. Those in favor of so declaring and so instructing the Clerk of the House will say "ay," and those of the contrary opinion will say "no."

Mr. SMITH, of Ohio. Did I understand the Chair aright, as saying that if this bill had originated in the House——

The SPEAKER. The Chair cannot go into that. The Chair is merely stating what the House is to vote on.

Mr. SPEER. I understand that tellers had been asked.

The SPEAKER. Objection was made.

Mr. COBB, of Kansas. Would a motion to lay this business on the table be now in order?

The SPEAKER. The Chair thinks not, on a question of this kind.

The question was taken; and there were—yeas 56, nays 179, not voting 55; as follows:

YEAS—Messrs. Albert, Barnum, Bromberg, Buffinton, Burleigh, Clayton, Clymer, Cox, Creamer, Crooke, Dawes, DeWitt, Eames, Eldredge, Frye, Garfield, Giddings, Gooch, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Benjamin W. Harris, Joseph R. Hawley, Herndon, E. Rockwood Hoar, George F. Hoar, Hoskins, Kellogg, Lowndes, Magee, MacDougall, Mellish, Mitchell, Niblack, Page, Perry, Phelps, Pierce, Poland, Potter, Read, Ellis H. Roberts, Small, Smart, John Q. Smith, Starkweather, Stone, Swann, Tremain, Wheeler, Whitehouse, Charles W. Willard, George Willard, Willie, and Woodford—56.

NAYS—Messrs. Adams, Albright, Arthur, Atkins, Averill, Banning, Barber, Barrere, Bass, Beck, Begole, Bell, Biery, Bland, Blount, Bowen, Bradley, Bright, Brown, Buckner, Bundy, Burrows, Benjamin F. Butler, Roderick R. Butler, Caldwell, Cannon, Cason, Cessna, Amos Clark, jr., John B. Clark, jr. Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Cotton, Crittenden, Crossland, Crounse, Crutchfield, Curtis, Danford, Darrall, Davis, Dobbins, Donnan, Duell, Dunnell, Durham, Eden, Farwell, Field, Fort, Foster, Gunckel, Hagans, Harmer, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hereford, Hodges, Holman, Houghton, Howe, Hubbell, Hunter, Hunton, Hurlbut, Hyde, Hynes, Jewett, Kasson, Kendall, Killinger, Knapp, Lamar, Lamison, Lamport, Lewis, Lofland, Loughridge, Lowe, Lynch, Marshall, Martin, McCrary, Alexander S. McDill, James W. McDill, McJunkin, McKee, McLean, McNulta, Merriam, Milliken, Mills, Monroe, Morey, Myers, Neal, Nunn, O'Neill, Orr, Orth, Packard, Packer, Hosea W. Parker, Isaac C. Parker, Phillips, Pike, James H. Platt, jr., Thomas C. Platt, Pratt, Randall, Rapier, Ray, Rice, Richmond, Robbins, William R. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, John G. Schumaker, Scofield, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloss, A. Herr Smith, George L. Smith, H. Boardman Smith, Snyder, Southard, Speer, Stanard, Standiford, St. John, Stowell, Christopher Y. Thomas, Tyner, Vance, Waldron, Jasper D. Ward, Marcus L. Ward, Wells, White, Whitehead, Whiteley, Whitthorne, Wilber, John M. S. Williams, William Williams, Wilshire, Ephraim K. Wilson, James Wilson, Jeremiah M. Wilson, Wood, Woodworth, John D. Young, and Pierce M. B. Young—179.

NOT VOTING—Messrs. Archer, Ashe, Barry, Berry, Burchard, Cain, Freeman Clarke, Crocker, Elliott, Freeman, Glover, Hendee, Hersey, Hooper, Kelley, Lansing, Lawrence, Lawson, Leach, Luttrell, Maynard, Moore, Morrison, Negley, Nesmith, Niles, O'Brien, Parsons, Pelham, Pendleton, Purman, Rainey, Ransier, James C. Robinson, Henry J. Scudder, Sloan, J. Ambler Smith, William A. Smith, Sprague, Stephens, Storm, Strait, Strawbridge, Sypher, Taylor, Charles R. Thomas, Thornburgh, Todd, Townsend, Waddell, Wallace, Walls, Charles G. Williams, William B. Williams, and Wolfe—55.

So the House refused to declare that the bill did not properly originate in the Senate.

Mr. G. F. HOAR. I desire to insist on the point of order made by me, that this bill requires an appropriation.

The SPEAKER. Under the ruling of the House, of course, the Chair cannot sustain the point of order that the bill is a revenue bill, and therefore overrules it. The gentleman from Massachusetts makes the further point of order that the bill contains an appropriation of money.

Mr. G. F. HOAR. Requires an appropriation of money.

The SPEAKER. The Clerk will read the bill, and the Chair begs the attention of the House to it.

The Clerk read as follows:

Be it enacted, &c., That the maximum amount of United States notes is hereby fixed at $400,000,000.

SEC. 2. That forty-six millions in 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. And each national banking association, now organized or hereafter to be organized, shall keep and maintain, as a part of its reserve required by law, one-fourth part of the coin received by it as interest on bonds of the United States deposited as security for circulating notes or Government deposits; and that hereafter only one-fourth of the reserve now prescribed by law for national banking associations shall consist of balances due to an association available for the redemption of its circulating notes from associations in cities of redemption, and upon which balances no interest shall be paid.

The SPEAKER. The appropriation to which the gentleman from Massachusetts refers is the expenditure which the Treasury Department may be called upon to make in order to furnish the dies, stamps, and notes for the circulation authorized by this bill. The Chair, as bearing upon that point, directs the Clerk to read a part of the forty-first section of the original banking act, which is still in force.

The Clerk read as follows:

That the plates and special dies to be procured by the Comptroller of the Currency for printing such circulating notes shall remain under his control and direction, and the expenses necessarily incurred in executing the provisions of this act respecting the procuring of such notes, and all other expenses of the Bureau, shall be paid out of the taxes or duties now or hereafter to be assessed on the circulation and collected from the associations organized under this act.

The SPEAKER. The working of this bill would be that under the law it would impose a tax upon the circulation guaranteed of $460,000, nearly a half million of dollars, 1 per cent. upon the circulation, and a small proportion of that amount, not exceeding one-tenth of it, would have to be paid out to supply the dies and stamps and notes. The Chair ruled in the case of the Utah bill, which created some observation in the House, that if the officers authorized by that bill were paid by fees, if the operation of the law, in other words, paid for itself and did not call upon the Treasury of the United States for any expenditure, it would not be liable to the point of order.

The Chair has further ruled that an appropriation of money given to an assay office to purchase bullion for coinage, by which an old dollar might be exchanged for a new one, was not liable to the point of order; that within the fair meaning of the rule it did not involve an appropriation of money; that it did not in any way, direct or indirect, remote or immediate, call for an expenditure of public money in any proper sense of that word.

Now in this case the Chair thinks that most obviously no expenditure is called for. The Chair apprehends the point made by the gentleman from Massachusetts, and understands the line of his argument, but it seems to the Chair that it would be a very extreme construction of the rule to maintain that a bill which by the one hand supplied to the Treasury $460,000 annually, and by the other required a possible expenditure in the very first year of forty or fifty thousand dollars, is amenable to the point of order that it must have its first consideration in the Committee of the Whole in order that the people's money may be protected by a free discussion on bills of appropriation. This, it seems to the Chair, would be a very extreme construction of the rule, and one that might justly bring the rule itself, valuable as it is, into odium.

Mr. G. F. HOAR. Will the Chair allow me to inquire whether a bill establishing an assessor, and simply providing that he shall receive a salary of $3,000 a year, even if it requires him to assess $100,000,000, would not be liable to the point of order as an original expenditure by the Government? Could we not by a germane amendment strike out the provision for reimbursing the United States for this expense by a tax on the circulation?

The SPEAKER. That might change the tax bill.

Mr. G. F. HOAR. No; I mean in this bill.

The SPEAKER. By an amendment you might change the effect of the tax, but that would not come under this point of order; it would apply to the point of order already settled by the House.

Mr. G. F. HOAR. That is not my point. The point that the Chair is discussing is, that the bill requires the United States to pay out in the first instance the cost of printing forty-six millions of national-bank notes, for which it is true the United States is to be afterward, as the law now stands, reimbursed by a tax on the bank circulation; but that tax may be stricken out of the bill by a germane amendment leaving the requisition for an appropriation of money from the Treasury, and making no provision for subsequent reimbursement.

The SPEAKER. On the same principle, the bill in regard to the assay office might have been amended by saying that they should pay an old dollar for a new half-dollar.

Mr. G. F. HOAR. That is merely changing the form. The Chair has held that a bill authorizing lands to be sold at auction is a bill appropriating money of the United States.

The SPEAKER. O, certainly, certainly; but the Chair does not see the analogy to this case, and he cannot sustain the point of order.

Mr. COX. Will the Chair allow me to ask whether it would be germane to this bill to move to so amend it as to change the banking law, and place the tax for the whole manufacture of these bank-notes upon the people, and not upon the banks? Would it be in order to move such an amendment to this bill?

The SPEAKER. The Chair would want to look at the bill before he would consider such an amendment in order.

Mr. COX. If such an amendment could be made——

The SPEAKER. The Chair thinks it could not be made to this bill, because this bill does not connect itself with the preceding bank acts in that sense, while the bill reported from the Committee on Banking and Currency distinctly states in its title that it is a bill supplemental to, and amendatory of, the preceding acts, and thus brought those acts within the purview of the House.

Mr. MAYNARD. I call the previous question upon the bill.

Mr. WOODFORD. I rise to a parliamentary inquiry. I desire to know whether an amendment to this bill, appropriating $50,000 for the expense of issuing the additional United States notes provided by the first section of this bill, would be in order?

The SPEAKER. The Chair thinks not.

Mr. WOODFORD. I desire to remind the Chair that every one of the original six bills providing for the United States currency contained within them direct and specific sections providing in direct terms money to pay the expense of the issue of the notes.

Mr. BUTLER, of Massachusetts. I am sorry to object, but that is debate, and not a parliamentary inquiry.

The SPEAKER. The Chair does not see the relevancy of the inquiry.

Mr. WOODFORD. Is not this first section amendatory of the entire line of laws which have provided for the issue of United States notes?

The SPEAKER. The Chair does not think so. The gentleman from New York [Mr. WOODFORD] is confounding the bill of the Committee on Banking and Currency with the Senate bill.

Mr. WOODFORD. The Senate bill embraces both subjects, United States Treasury notes and bank currency; the one in the first section of the bill, and the other in the second section.

Mr. KASSON. I rise to a point of order. I would have made it before, except that I thought we were getting to an end of this matter. My point of order is that all possible amendments which may be offered hereafter do not constitute subjects of parliamentary inquiry pending the call for the previous question.

The SPEAKER. So the Chair thinks.

Mr. KASSON. It is putting conundrums to the Chair, to which I object.

The SPEAKER. The Chair cannot be called upon to rule upon an amendment until it is offered. If an amendment is offered the Chair

will rule upon it. But the possibility of an amendment is not a strict subject for ruling; and the Chair has frequently requested that he shall not be called upon to make hypothetical rulings.

The question was then taken upon seconding the previous question; and upon a division there were—ayes 121, noes 59.

So the previous question was seconded.

The question was, Shall the main question be now put?

Mr. ELLIS H. ROBERTS. On that question I call for the yeas and nays.

Mr. MAYNARD. I hope not; let the yeas and nays be taken upon the passage of the bill.

The yeas and nays were not ordered, there being only 19 in the affirmative; not one-fifth of the last vote.

The main question was then ordered; and under the operation thereof the bill was ordered to a third reading, and read the third time.

The question was upon the passage of the bill.

Mr. HAWLEY, of Connecticut, and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 140, nays 102, not voting 48; as follows:

YEAS—Messrs. Albright, Arthur, Atkins, Averill, Barber, Barrere, Begole, Bell, Biery, Bland, Blount, Bowen, Bradley, Bright, Brown, Buckner, Bundy, Burchard, Burrows, Benjamin F. Butler, Roderick R Butler, Caldwell, Cannon, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Crittenden, Crossland, Crounse, Crutchfield, Curtis, Darrall, Davis, Dobbins, Donnan, Dunnell, Durham, Farwell, Field, Fort, Foster, Hagans, Harmer, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, John B. Hawley, Hays, Gerry W. Hazelton, Hereford, Hodges, Houghton, Howe, Hubbell, Hunter, Hunton, Hurlbut, Hyde, Hynes, Jewett, Kasson, Killinger, Knapp, Lamison, Lewis, Longbridge, Lowe, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, McJunkin, McKee, McNulta, Milliken, Monroe, Morey, Myers, Neal, Nunn, Orr, Orth, Packard, Packer, Isaac C. Parker, Pelham, Phillips, Pratt, Purman, Rapier, Ray, Richmond, Robbins, James W. Robinson, Ross, Rusk, Sawyer, Milton Sayler, Sener, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, A. Herr Smith, George L. Smith, Snyder, Southard, Sprague, Stanard, Standiford, Stowell, Christopher Y. Thomas, Tyner, Vance, Wallace, Jasper D. Ward, Wells, White, Whitehead, Whiteley, Charles G. Williams, William Williams, Wilshire, James Wilson, Jeremiah M. Wilson, Woodworth, and Pierce M. B. Young—140.

NAYS—Messrs. Adams, Albert, Banning, Barnum, Bass, Beck, Bromberg, Buffinton, Burleigh, Clayton, Clymer, Cotton, Cox, Creamer, Crooke, Danford, Dawes, De Witt, Eames, Eden, Eldredge, Frye, Garfield, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Benjamin W. Harris, Hathorn, Joseph R. Hawley, Herndon, E. Rockwood Hoar, George F. Hoar, Holman, Hooper, Hoskins, Kelley, Kellogg, Kendall, Lamar, Lawson, Lofland, Lowndes, Magee, Marshall, MacDougall, McLean, Mellish, Merriam, Mills, Mitchell, Moore, Niblack, Niles, O'Neill, Page, Hosea W. Parker, Parsons, Pendleton, Perry, Phelps, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Rainey, Randall, Read, Rice, Ellis H. Roberts, William R. Roberts, John G. Schumaker, Scofield, Isaac W. Scudder, Sessions, Small, Smart, H. Boardman Smith, John Q. Smith, Speer, Starkweather, St. John, Stone, Strawbridge, Swann, Tremain, Waldron, Wheeler, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, John M. S. Williams, Willie, Ephraim K. Wilson, Wood, and Woodford—102.

NOT VOTING—Messrs. Archer, Ashe, Barry, Berry, Cain, Freeman Clarke, Crocker, Duell, Elliott, Freeman, Giddings, Glover, John W. Hazelton, Hendee, Hersey, Lamport, Lansing, Lawrence, Leach, Luttrell, Lynch, Morrison, Negley, Nesmith, O'Brien, Ransier, James C. Robinson, Henry B. Sayler, Henry J. Scudder, Sloan, Sloss, J. Ambler Smith, William A. Smith, Stephens, Storm, Strait, Sypher, Taylor, Charles R. Thomas, Thornburgh, Todd, Townsend, Waddell, Walls, Marcus L. Ward, William B. Williams, Wolfe, and John D. Young—48.

So the bill was passed.

During the call of the roll the following announcements were made:

Mr. LUTTRELL. I am paired with Mr. BARRY, of Mississippi. If present he would vote "ay," and I should vote "no."

Mr. GIDDINGS. I am paired with Mr. J. AMBLER SMITH, who if present would vote "ay," and I "no."

Mr. YOUNG, of Kentucky. I am paired with Mr. STORM, of Pennsylvania. If present he would vote "no," and I would vote "ay."

Mr. E. R. HOAR. My colleague, Mr. CROCKER, is detained from the House by sickness; if here he would vote "no."

Mr. AVERILL. My colleague, Mr. STRAIT, is absent on account of sickness; if here he would vote "ay."

Mr. SCUDDER, of New York. I am paired with Mr. THORNBURGH, of Tennessee. If present he would vote "ay," and I "no."

Mr. SAYLER, of Indiana. On this question I am paired with the gentleman from Pennsylvania, Mr. TOWNSEND, who if present would vote in the negative, while I should vote in the affirmative.

Mr. HAZELTON, of New Jersey. I am paired on this question with my colleague from New Jersey, Mr. WARD. If he were here he would vote "no," and I would vote "ay."

Mr. LYNCH. I wish to announce that I am paired upon this bill with the gentleman from South Carolina, Mr. ELLIOTT, who if present would vote in the negative, while I should vote in the affirmative.

Mr. PURMAN. My colleague, Mr. WALLS, is absent on account of sickness. If here he would vote "ay."

Mr. BURCHARD. On this bill the gentleman from North Carolina, Mr. SMITH, is paired with the gentleman from Massachusetts, Mr. CROCKER, who if present would vote "no," while Mr. SMITH would vote "ay."

Mr. HALE, of Maine. My colleague, Mr. HERSEY, is absent on account of illness. If he were present he would vote "no."

The result of the vote was announced as above stated.

Mr. MAYNARD 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.

MRS. EMILY MILLER.

Mr. HAWLEY, of Illinois. I ask unanimous consent that the Committee on Claims be discharged from the further consideration of the petition of Mrs. Emily Miller, and that the same be referred to the Committee on War Claims.

There being no objection, it was so ordered.

LEGISLATIVE APPROPRIATION BILL.

Mr. GARFIELD. I give notice that to-morrow, at the close of the morning hour, I shall call up the legislative appropriation bill.

RETIRED ARMY OFFICERS.

Mr. MACDOUGALL, by unanimous consent, introduced a bill (H. R. No. 2983) to put retired officers of the Army on duty; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PRINTING OF A BILL.

Mr. KELLOGG, by unanimous consent, submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That five hundred extra copies of House bill No. 2978, entitled "A bill for the reorganization of the Treasury Department, and for other purposes," be printed for the use of the House.

ENROLLED BILLS SIGNED.

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

An act (S. No. 580) to authorize the employment of certain aliens as engineers and pilots;

An act (S. No. 191) to amend the act entitled "An act relating to the enrollment and license of certain vessels; and

An act (S. No. 192) for the relief of Siloma Deck.

Mr. HAZELTON, of Wisconsin. I move that the House adjourn.

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

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rules, and referred as stated:

By Mr. BANNING: The petition of Hugh McCullough, of Cincinnati, Ohio, for a dependent father's pension, to the Committee on Invalid Pensions.

By Mr. BROWN: The petition of citizens of Ohio County, Kentucky, for a post-route from Hartford, Ohio County, to Whitesville, in Daviess County, Kentucky, to the Committee on the Post-Office and Post-Roads.

By Mr. BLOUNT: The memorial of the Medical Association of Georgia, in relation to the Army Medical Corps, to the Committee on Military Affairs.

By Mr. CURTIS: The petition of 91 citizens of Erie, Pennsylvania, in opposition to a duty on tea and coffee, and any increase in internal taxes, and in favor of 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. FOSTER: The petition of John H. Hodge, late private Company A, Twenty-first Ohio Volunteers, for correction of his military record, to the Committee on Military Affairs.

By Mr. LAMAR: The petition of members of the American Metrological Society and others, for the enactment of laws which shall make practicable as well as legal the use of the metric system of weights and measures in the estimation and computation of customs duties, in assessment of postages, and in Federal reports and statistical and other documents involving statements of quantities and dimensions, to the Committee on Coinage, Weights, and Measures.

Also, the petition of the Metrological Society of the United States and others, for the passage of an act supplementary to the coinage act of 1873, adjusting the weight of gold coins of the United States so as to make them expressible in metric denominations, to the Committee on Coinage, Weights, and Measures.

By Mr. LAWSON: The petition of James Johnson and 252 others, for the passage of the bill (H. R. No. 1179) granting increased pensions to disabled soldiers, to the Committee on Invalid Pensions.

By Mr. MERRIAM: The petition of Randall & Thompson, of Little Falls, New York, and many hundred others, for the substitution of specific for *ad valorem* duties on tin plates, to the Committee on Ways and Means.

By Mr. NESMITH: The petition of G. W. Hume, of Astoria, Oregon, for an American register to the French brig Sidi, and that her name be changed to Sea Waif, to the Committee on Commerce.

By Mr. PHELPS: The petition of 43 citizens of Franklin Furnace, New Jersey, protesting against a duty on tea and coffee, and any increase in internal taxes, and asking 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. SAYLER, of Indiana: The petition of 13 citizens of Stark County, Indiana, for the passage of a law authorizing the manufacture of patent-right articles by others than the owners of patent-rights upon the payment of a reasonable royalty thereon, to the Committee on Patents.

Also, the petition of 15 citizens of Montgomery County, Indiana, of similar import, to the same committee.

Also, the petition of 36 citizens of Livingston County, Missouri, of similar import, to the same committee.

Also, the petition of 11 citizens of Chester County, Pennsylvania, of similar import, to the same committee.

Also, the petition of 15 citizens of Clay County, Dakota, of similar import, to the same committee.

Also, the petition of 22 citizens of Benton County, Indiana, of similar import, to the same committee.

Also, the petition of 16 citizens of Marshall County, Indiana, of similar import, to the same committee.

Also, the petition of 13 citizens of Bradford County, Pennsylvania, of similar import, to the same committee.

Also, the petition of 65 citizens of Champaign County, Illinois, of similar import, to the same committee.

Also, the petition of 24 citizens of Shelby County, Kentucky, of similar import, to the same committee.

Also, the petition of 20 citizens of Barnwell County, South Carolina, of similar import, to the same committee.

Also, the petition of 23 citizens of Bibb County, Alabama, of similar import, to the same committee.

Also, the petition of 29 citizens of Johnson County, Indiana, of similar import, to the same committee.

Also, the petition of 101 citizens of Ottawa County, Michigan, of similar import, to the same committee.

Also, the petition of 49 citizens of Hall County, Nebraska, of similar import, to the same committee.

Also, the petition of 42 citizens of LaPorte County, Indiana, of similar import, to the same committee.

Also, the petition of 13 citizens of Gibson County, Indiana, of similar import, to the same committee.

Also, the petition of 26 citizens of Clarke County, Kentucky, of similar import, to the same committee.

Also, the petition of 15 citizens of Trigg County, Kentucky, of similar import, to the same committee.

Also, the petition of 28 citizens of Pettis County, Missouri, of similar import, to the same committee.

Also, the petition of 24 citizens of Androscoggin County, Maine, of similar import, to the same committee.

Also, the petition of 18 citizens of Marshall County, Kansas, of similar import, to the same committee.

Also, the petition of 19 citizens of Dearborn County, Indiana, of similar import, to the same committee.

Also, the petition of 24 citizens of Allen County, Indiana, of similar import, to the same committee.

Also, the petition of 60 citizens of Atlantic County, New Jersey, of similar import, to the same committee.

Also, the petition of 12 citizens of Jefferson County, Wisconsin, of similar import, to the same committee.

Also, the petition of 24 citizens of Perry County, Indiana, of similar import, to the same committee.

Also, the petition of 29 citizens of Neosho County, Kansas, of similar import, to the same committee.

Also, the petition of 62 citizens of Shiawassee County, Michigan, of similar import, to the same committee.

Also, the petition of 22 citizens of Leavenworth County, Kansas, of similar import, to the same committee.

Also, the petition of 12 citizens of Wabash County, Indiana, of similar import, to the same committee.

Also, the petition of 22 citizens of Lyon County, Kansas, of similar import, to the same committee.

Also, the petition of 20 citizens of Larimer County, Colorado, of similar import, to the same committee.

Also, the petition of 21 citizens of Wayne County, Ohio, of similar import, to the same committee.

Also, the petition of 24 citizens of Johnson County, Missouri, of similar import, to the same committee.

Also, the petition of 27 citizens of Hardin County, Ohio, of similar import, to the same committee.

Also, the petition of 27 citizens of Montour County, Pennsylvania, of similar import, to the same committee.

Also, the petition of 27 citizens of Houston County, Georgia, of similar import, to the same committee.

Also, the petition of 18 citizens of Washington County, Missouri, of similar import, to the same committee.

Also, the petition of 12 citizens of Stark County, Ohio, of similar import, to the same committee.

Also, the petition of 21 citizens of Owen County, Kentucky, of similar import, to the same committee.

Also, the petition of 23 citizens of Freeborn County, Minnesota, of similar import, to the same committee.

Also, the petition of 37 citizens of Saint Helena Parish, Louisiana, of similar import, to the same committee.

Also, the petition of 15 citizens of Gage County, Nebraska, of similar import, to the same committee.

Also, the petition of 17 citizens of Caswell County, North Carolina, of similar import, to the same committee.

Also, the petition of 11 citizens of Delaware County, Iowa, of similar import, to the same committee.

Also, the petition of 16 citizens of Nash County, North Carolina, of similar import, to the same committee.

Also, the petition of 18 citizens of Grant County, Iowa, of similar import, to the same committee.

Also, the petition of 23 citizens of Oakland County, Michigan, of similar import, to the same committee.

Also, the petition of 82 citizens of Madison County, Iowa, of similar import, to the same committee.

Also, the petition of 12 citizens of Hillsdale County, Michigan, of similar import, to the same committee.

Also, the petition of 12 citizens of Logan County, Ohio, of similar import, to the same committee.

Also, the petition of 15 citizens of Wayne County, North Carolina, of similar import, to the same committee.

Also, the petition of 11 citizens of Hamilton County, Ohio, of similar import, to the same committee.

Also, the petition of 25 citizens of Webster County, Kentucky, of similar import, to the same committee.

Also, the petition of 21 citizens of Washington County, Tennessee, of similar import, to the same committee.

Also, the petition of 18 citizens of Montgomery County, Kansas, of similar import, to the same committee.

Also, the petition of 18 citizens of Chase County, Kansas, of similar import, to the same committee.

Also, the petition of 10 citizens of Berrien County, Michigan, of similar import, to the same committee.

Also, the petition of 18 citizens of Boone County, Iowa, of similar import, to the same committee.

Also, the petition of 44 citizens of Livingston County, Illinois, of similar import, to the same committee.

Also, the petition of 40 citizens of Greene County, Tennessee, of similar import, to the same committee.

Also, the petition of 21 citizens of Fountain County, Iowa, of similar import, to the same committee.

Also, the petition of 25 citizens of Randolph County, Iowa, of similar import, to the same committee.

Also, the petition of 28 citizens of Rush County, Iowa, of similar import, to the same committee.

Also, the petition of 23 citizens of Campbell County, Georgia, of similar import, to the same committee.

Also, the petition of 21 citizens of Blackford County, Iowa, of similar import, to the same committee.

Also, the petition of 15 citizens of Boyle County, Kentucky, of similar import, to the same committee.

Also, the petition of 9 citizens of Jefferson County, Kansas, of similar import, to the same committee.

Also, the petition of 26 citizens of Cowley County, Kansas, of similar import, to the same committee.

Also, the petition of 48 citizens of Dodge County, Wisconsin, of similar import, to the same committee.

Also, the petition of 22 citizens of Kalamazoo County, Michigan, of similar import, to the same committee.

Also, the petition of 17 citizens of Vernon County, Missouri, of similar import, to the same committee.

Also, the petition of 34 citizens of Chester County, South Carolina, of similar import, to the same committee.

Also, the petition of 16 citizens of Shelby County, Iowa, of similar import, to the same committee.

Also, the petition of 27 citizens of Hempstead County, Arkansas, of similar import, to the same committee.

Also, the petition of 15 citizens of Lebanon County, Pennsylvania, of similar import, to the same committee.

Also, the petition of 14 citizens of Gibson County, Iowa, of similar import, to the same committee.

Also, the petition of 29 citizens of Campbell County, Kentucky, of similar import, to the same committee.

Also, the petition of 24 citizens of Platte County, Missouri, of similar import, to the same committee.

Also, the petition of 25 citizens of Wayne County, Iowa, of similar import, to the same committee.

Also, the petition of 23 citizens of Racine County, Wisconsin, of similar import, to the same committee.

Also, the petition of 42 citizens of Jasper County, Iowa, of similar import, to the same committee.

Also, the petition of 72 citizens of Boone County, Iowa, of similar import, to the same committee.

Also, the petition of 17 citizens of Pottawatomie County, Kansas, of similar import, to the same committee.

Also, the petition of 11 citizens of Osage County, Kansas, of similar import, to the same committee.

Also, the petition of 20 citizens of Jefferson County, West Virginia, of similar import, to the same committee.

Also, the petition of 25 citizens of Washtenaw County, Michigan, of similar import, to the same committee.

Also, the petition of 28 citizens of Keokuk County, Iowa, of similar import, to the same committee.

Also, the petition of 13 citizens of Mercer County, Ohio, of similar import, to the same committee.

Also, the petition of 21 citizens of Hancock County, Kentucky, of similar import, to the same committee.

Also, the petition of 9 citizens of Jefferson County, Iowa, of similar import, to the same committee.

By Mr. SCUDDER, of New York: The petition of engineers in the United States revenue service, that assistant engineers be duly commissioned as such, to the Committee on Commerce.

By Mr. SMART: The petition of J. M. Warren, Thomas Coleman, and others, of Troy, New York, against further inflation of the currency and for a resumption of specie payment, to the Committee on Banking and Currency.

By Mr. SMITH, of Ohio: The memorial of citizens of Hamilton, Ohio, in relation to legalizing the reissue of the legal-tender reserve, to the Committee on Banking and Currency.

By Mr. WOODFORD: The petition of Henry Wolfert and 30 others, for the passage of the bill (H. R. No. 1179) granting increased pensions to disabled soldiers, to the Committee on Invalid Pensions.

By Mr. YOUNG, of Georgia: The memorial of the Medical Association of Georgia, in relation to the Army Medical Corps, to the Committee on Military Affairs.

By Mr. ——: Resolutions of the Legislature of New York, in relation to inflation of the currency through the further issue of circulating notes by the Government or by national banks, and transmitting a copy of the message of the governor of the State of New York to both houses of the Legislature on the subject, to the Committee on Banking and Currency.

IN SENATE.

WEDNESDAY, *April* 15, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 1572) to amend the several acts providing a national currency, and to establish free banking, and for other purposes; in which the concurrence of the Senate was requested.

The message also announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 1003) to authorize and direct the Secretary of War to change the name of John Rziha, captain of the Fourth Regiment of Infantry of the Army of the United States, in the register, rolls, and records of the Army, to John Laube de Laubenfels;

A bill (H. R. No. 1930) to secure to the Episcopal Board of Missions the land of the White Earth Indian reservation in Minnesota;

A bill (H. R. No. 1942) authorizing the President of the United States to appoint Albert Ross to the active list of the Navy; and

A bill (H. R. No. 2186) granting an American registry to the American-built Peruvian steamship Rayo, now rebuilt in the United States and converted into a sailing-vessel.

The message further announced that the House had passed the bill (S. No. 617) to fix the amount of United States notes and the circulation of national banks, and for other purposes.

ENROLLED BILLS SIGNED.

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

A bill (S. No. 580) to authorize the employment of certain aliens as engineers and pilots;

A bill (S. No. 191) to amend the act entitled "An act relating to the enrollment and license of certain vessels;" and

A bill (S. No. 192) for the relief of Siloma Deck.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873—to the Committee on the Revision of the Laws of the United States.

The bill (H. R. No. 2425) to provide for the free exchange of newspapers between publishers, and for the free transmission of newspapers by mail within the county where published—to the Committee on Post-Offices and Post-Roads.

The bill (H. R. No. 2899) revising and embodying all the laws authorizing post-roads in force on the 1st day of December, 1873—to the Committee on the Revision of the Laws of the United States.

The bill (H. R. No. 2979) abolishing the office of appraiser of imported merchandise, appointed under the act of July 14, 1870, and acts amendatory thereof, at certain places—to the Committee on Finance.

The bill (H. R. No. 994) to establish the Bismarck land district in the Territory of Dakota was read twice by its title.

The PRESIDENT *pro tempore.* This bill will be referred to the Committee on Public Lands.

Mr. RAMSEY. The Committee on Public Lands have reported a bill identically like that; and if the Senate would consent, I should like to have it considered and passed now.

Mr. EDMUNDS. Let the House bill be laid aside until we get through with the morning business.

Mr. RAMSEY. Very well.

PETITIONS AND MEMORIALS.

Mr. LOGAN presented the petition of William R. Brown, of Metropolis, Massac County, Illinois, praying the payment of the proceeds of certain cotton, amounting to $38,000; which was referred to the Committee on Claims.

Mr. SCOTT presented the petition of the Zoological Society of Philadelphia, praying that importations of animals for that society, which are to be used solely for recreative and scientific purposes and not in anywise for pecuniary profit, may be exempt from the payment of duties; which was referred to the Committee on Finance.

Mr. HAMILTON, of Texas, presented the petition of Arthur Connell, of Houston, Texas, with accompanying papers, praying relief in the matter of rents received by the United States from his property in the city of Memphis, Tennessee, and appropriated for public use; which was referred to the Committee on Claims.

Mr. SCHURZ presented additional papers pertaining to the application of Sarah E. Ballantine, of Boonville, Missouri, praying compensation for property destroyed by order of General Lyon; which were referred to the Committee on Claims.

Mr. CONKLING presented a memorial of the Buffalo Board of Trade, in favor of the removal of the obstructions in the Saginaw River, at Carrolton bar; which was referred to the Committee on Commerce.

He also presented the petition of Mary Jane Loonie, widow of James A. Loonie, late of the Eighty-eighth New York Volunteers, praying a modification of the pension laws so as to allow her to contract and pay such fees as she thinks proper; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. PRATT. The Committee on Claims, to whom was referred the memorial of Jesse Warren and Joseph A. Moore, asking compensation for a building taken for the use of the Army, near Nashville, Tennessee, have instructed me to report a bill for their relief. We adopt in this case a report made at a previous session, which has been printed. I do not therefore ask for the printing of the report.

The bill (S. No. 701) for the relief of Warren & Moore, Nashville, Tennessee, was read and passed to the second reading.

Mr. SCOTT. The Committee on Claims instructed me to report back the petition of G. A. Henderson, praying payment of his salary as a clerk in the Treasury Department while suspended by order of the Secretary from January 28, 1864, to May 18, 1865, with the recommendation that it ought not to be allowed. I move the adoption of the report, and that it be printed.

The motion was agreed to.

Mr. SCOTT, from the Committee on Claims, to whom was referred the memorial of Frederic A. Holden, praying for remuneration for property destroyed in Ceredo, Wayne County, West Virginia, by United States soldiers during the late rebellion, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the memorial.

Mr. MERRIMON, from the Committee on Claims, to whom was referred the memorial of Ellen Call Long, praying for payment of the claim of the heirs of Richard K. Call in accordance with a judgment of the United States court of Florida, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the memorial.

Mr. GOLDTHWAITE, from the Committee on Claims, to whom was referred the bill (S. No. 113) for relief of the trustees of Wildey Lodge, Independent Order of Odd-Fellows, reported adversely thereon; and the bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 702) for the relief of Marie P. Evans, executrix and legatee of S. Duncan Linton, deceased, and to refer her claim to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. GOLDTHWAITE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 703) authorizing the proper accounting officers of the Treasury to revise and adjust the accounts of James C. Pickett as chargé d'affaires to Peru; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 704) for the relief of the officers and men of the United States Army who were sufferers by the wreck of the bark Forrest; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FENTON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 705) to extend letters-patent to Henry G. Bulkley; which was read twice by its title, and referred to the Committee on Patents.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 706) to amend an act approved July 17, 1862, entitled "An act for the better government of the Navy of the United States;" which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. BOREMAN asked, and by unanimous consent obtained, leave