

Mr. G. F. HOAR. The conference report was voted upon. There was a little debate with the gentleman from Kentucky, [Mr. BECK,] and the previous question was seconded on agreeing to the report. There was a debate and a vote. Now if that action was had in regard to one conference report, it might be had in regard to two or three or more.

The SPEAKER. Certainly; in regard to a hundred.

Mr. G. F. HOAR. Does the Chair then rule that after a motion to suspend the rules has been made and a motion to adjourn has been voted down, ten successive conference reports may come in, be read, debated, have the previous question ordered on them and be voted on, and that the House cannot adjourn without disposing of that motion to suspend the rules?

The SPEAKER. What is suggested by the gentleman from Massachusetts [Mr. G. F. HOAR] does not present the slightest difficulty; because the House, if it wants to adjourn, need not second the motion to suspend the rules. It does not embarrass the House at all.

Mr. G. F. HOAR. The House may not want to vote against the suspension of the rules, but may desire to adjourn and postpone the question as to the suspension of the rules till next day.

The SPEAKER. This is a question which never before arose. But the Chair is always willing to rule in favor of an adjournment, although he believes that in doing so he rules against the literal meaning of the rule. The Chair will submit the question on the motion to adjourn in consideration of the fact that some misunderstanding has arisen in the minds of various members as to the true position of the pending question.

The question being taken on the motion of Mr. WILSON, of Iowa, that the House adjourn, there were—ayes 83, noes 92.

Mr. WILSON, of Iowa, called for tellers.

Tellers were ordered.

The House again divided; and the tellers reported—ayes 88, noes 73.

Mr. PARKER, of Missouri, called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 135, nays 88, not voting 66; as follows:

YEAS—Messrs. Adams, Archer, Ashe, Atkins, Banning, Barber, Barrere, Barry, Bell, Berry, Bland, Blount, Bromberg, Buffinton, Burchard, Burrows, Benjamin F. Butler, Cain, Caldwell, Cannon, Cessna, Amos Clark, jr., John B. Clark, jr., Clymer, Stephen A. Cobb, Comingo, Conger, Cook, Cotton, Creamer, Crittenden, Crocker, Crooke, Crossland, Crounse, Darrall, Davis, Dawes, Eldredge, Giddings, Glover, Gooch, Gunter, Hamilton, Benjamin W. Harris, Henry R. Harris, Hatcher, John B. Hawley, Hendee, Hereford, E. Rockwood Hoar, George F. Hoar, Holman, Howe, Hunton, Hurlbut, Jewett, Kelley, Killinger, Knapp, Lamison, Leach, Lowndes, Lynch, Magee, Martin, Maynard, James W. McDill, McLean, Merriam, Milliken, Mills, Monroe, Moore, Myers, Neal, Nunn, O'Brien, O'Neill, Orth, Packard, Phelps, Pierce, Pike, Thomas C. Platt, Potter, Pratt, Rainey, Randall, Ransier, Read, Rice, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Milton Saylor, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheldon, Sloss, Small, A. Herr Smith, George L. Smith, John Q. Smith, Southard, Speer, Sprague, Stone, Storm, Swann, Sypher, Christopher Y. Thomas, Tremain, Tyner, Vance, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wheeler, Whitehouse, Charles W. Willard, George Willard, Charles G. Williams, William Williams, Willie, Ephraim K. Wilson, James Wilson, Wolfe, and Woodford—135.

NAYS—Messrs. Albright, Arthur, Averill, Beck, Begole, Biery, Bowen, Bradley, Bright, Brown, Bundy, Roderick R. Butler, Cason, Clements, Coburn, Corwin, Crutchfield, Donnan, Dunnell, Durham, Eames, Field, Fort, Foster, Gunckel, Hagans, Harner, John T. Harris, Harrison, Havens, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hodges, Hooper, Hoskins, Houghton, Hunter, Hyde, Hynes, Kasson, Kellogg, Kendall, Lampert, Lawrence, Lawson, Lowe, Alexander S. McDill, MacDougall, McDunkin, McNulta, Morey, Morrison, Niblack, Niles, Orr, Packer, Hosea W. Parker, Isaac C. Parker, Parsons, Pendleton, Poland, Rapier, Ray, Richmond, Rusk, Sawyer, Henry B. Saylor, Sherwood, Sloan, Stanard, Standiford, Starkweather, St. John, Stowell, Strait, Strawbridge, Thornburgh, Todd, Townsend, Wells, White, Whitehead, Whiteley, Whitthorne, Wilber, William B. Williams, and John D. Young—88.

NOT VOTING—Messrs. Albert, Barnum, Bass, Buckner, Barleigh, Freeman Clarke, Clayton, Clinton L. Cobb, Cox, Curtis, Danford, DeWitt, Dobbins, Duell, Eden, Elliott, Farwell, Freeman, Frye, Garfield, Eugene Hale, Robert S. Hale, Hancock, Hathorn, Hays, Herndon, Hersey, Hubbell, Lamar, Lansing, Lewis, Lofland, Loughbridge, Luttrell, Marshall, McCrary, McKee, Mitchell, Negley, NeSmith, Page, Pelham, Perry, Phillips, James H. Platt, jr., Purman, William R. Roberts, James C. Robinson, Scofield, Sheets, Lazarus D. Shoemaker, Smart, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Stephens, Taylor, Charles R. Thomas, Waddell, Walls, John M. S. Williams, Jeremiah M. Wilson, Wood, Woodworth, and Pierce M. B. Young—66.

So the motion was agreed to.

Before the result of the vote was announced,

The SPEAKER said: The Chair does not regard the point as of much practical importance, but he desires to say, in order that it may go into the RECORD, that in submitting this motion it was his judgment that it was not in order. He submitted it rather than insist on his own construction of the rule, because there seemed to be a misunderstanding in the House in regard to it.

Mr. HAZELTON, of Wisconsin. I ask unanimous consent that this motion may be regarded as one for a recess instead of an adjournment so as to save the session for this evening.

Mr. SPEER. I object.

The House (at three o'clock and twenty minutes p. m.) then adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. SMITH, of Pennsylvania: The petition of workmen in

Marietta Furnace, Lancaster County, Pennsylvania, for the restoration of the 10 per cent. duty on iron and steel, and for free banking, to the Committee on Ways and Means.

Also, the remonstrance of merchants, bankers, and business men of Lancaster City and County, Pennsylvania, against the imposition of a tax of $\frac{1}{2}$ of 1 per cent. on sales of bullion, coin, stocks, bonds, and other securities, to the Committee on Ways and Means.

By Mr. SMITH, of Virginia: The petition of Mrs. Elizabeth Weaver, of Owl Run, Fauquier County, Virginia, for relief, to the Committee on War Claims.

By Mr. YOUNG, of Kentucky: The petition of G. H. Wornok, John Doty, C. Culbertson, B. L. Biggs, David Williams, John Kidd, Charles Boss, William J. Wilson, and a large number of other workmen in the Buffalo and Laurel Furnace Works in Greenup County, Kentucky, for the restoration of 10 per cent. of duties on iron, steel, &c., for free banking, and for such protection by Congress as will relieve the distressed condition of the workmen of the country, to the Committee on Ways and Means.

IN SENATE.

FRIDAY, June 19, 1874.

The Senate met at eleven o'clock a. m.

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

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

NEVADA COUNTY NARROW-GAUGE RAILROAD.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. No. 3309) granting to the Nevada County Narrow-Gauge Railroad Company a right of way through the public lands for a railroad.

Mr. SARGENT. That same bill was reported favorably as a Senate bill by the Committee on Railroads of the Senate and has been on the Calendar for some time. It is a local road, twenty miles long only, in my own county. I ask that the bill may be passed by unanimous consent.

The bill was read three times, and passed.

PETITIONS AND MEMORIALS.

Mr. MERRIMON. I ask leave to call up a House bill.

Mr. EDMUNDS. I call for the regular order.

The PRESIDENT *pro tempore*. Petitions and memorials are in order.

Mr. WASHBURN presented resolutions of the Legislature of Massachusetts, in favor of the abolition of the law concerning compulsory pilotage at Hell Gate; which were referred to the Committee on Commerce.

Mr. BOGY presented five petitions of merchants, importers, bankers, and business men of Saint Louis, Missouri, protesting against the passage of the twenty-ninth section of the tariff bill which imposes a tax of $\frac{1}{2}$ of 1 per cent. on all sales of stocks, bonds, gold and silver bullion, coin, and other securities; which were referred to the Committee on Finance.

Mr. SCHURZ presented the petition of Rob. zum Hagen, M. D., of Saint Louis, Missouri, praying an amendment to the homestead law; which was referred to the Committee on Public Lands.

Mr. JOHNSTON. I ask unanimous consent to consider a bill—

Mr. ANTHONY. I rise with a report.

The PRESIDENT *pro tempore*. That is in the nature of an objection. If there be no further petitions, reports of committees are in order.

The PRESIDENT *pro tempore* presented a resolution of the Legislature of West Virginia in favor of a geological survey of West Virginia by the Government of the United States; which was referred to the Committee on Public Lands.

REPORT ON CUSTOMS AND TARIFF LEGISLATION.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution of the House of Representatives to print copies of the report of the Chief of the Bureau of Statistics, have instructed me to report back the same with an amendment. The amended resolution strikes out all copies for the use of Congress and limits it to one thousand for the use of the Department.

By unanimous consent, the resolution was considered.

The amendment of the Committee on Printing was to strike out "five thousand copies, three thousand for the use of the House of Representatives, one thousand for the Senate and," and strike out the words "and distribution by;" so as to make the resolution read:

Resolved, (the Senate concurring,) That there be printed of the special report of Edward Young, Chief of the Bureau of Statistics, on customs and tariff legislation of the United States, with the appendices, including the tariff acts approved respectively May 1, 1872, and June 8, 1872, and a tabular statement of the rates of duties under said acts and other statutes now in force, one thousand bound copies for the use of the Treasury Department.

The amendment was agreed to.

The resolution, as amended, was agreed to.

COAST SURVEY REPORT.

Mr. ANTHONY. I am instructed by the same committee to report back the resolution for printing the Coast Survey report. In accord-

ance with the expressed wish of the Senate, we have left out all copies for the use of the House and Senate; and as this Coast Survey report is a matter of very great importance, and the establishment is maintained at considerable expense and is of comparatively little use unless ship-owners, navigators, and others can see the charts, we have not reduced the number, but have left it at three thousand, a very moderate number, to be distributed by the Superintendent of the Coast Survey. If Senators think that is too much they can move to reduce it.

The Chief Clerk read the resolution proposed to be amended, as follows:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed of the report of the Superintendent of the Coast Survey for the year 1873, three thousand extra copies for the use of the Superintendent of the Coast Survey.

Mr. SHERMAN. I ask the Senator if these are to be stamped to go through the mail?

Mr. ANTHONY. They are to be disposed of just like any other documents. I was not able to keep the run of the provisions in the bill on that subject which was acted on the other day, being engaged in my committee-room in an investigation.

Mr. SHERMAN. The Departments now use stamps on documents and frank them in that way.

Mr. ANTHONY. This resolution makes no provision on that subject.

Mr. SHERMAN. Under the law now the Departments can frank the documents printed for them by putting on a stamp. That ought to be corrected.

Mr. ANTHONY. Can we correct it in this resolution?

Mr. SHERMAN. No.

The resolution, as amended, was agreed to.

Mr. ANTHONY. I should have moved first that this report of the Superintendent of the Coast Survey be printed. I make that motion now.

The motion was agreed to.

CRETACEOUS FLORA OF THE WEST.

Mr. ANTHONY. I reported the other day a resolution from the Committee on Printing to print the report of Professor Hayden on the Cretaceous Flora of the West, the expense of which has all been incurred except the very trifling cost of printing the letter-press, about \$600. There is no provision for any distribution to members of Congress. I hope that resolution may be now taken up and passed. I understand there is no objection to it.

By unanimous consent, the Senate proceeded to consider the following House resolution:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed and bound twenty-five hundred copies in quarto (uniform of the series) of Professor Hayden's report on the Cretaceous Flora of the West, one thousand copies for the Department of the Interior, one thousand copies for the Smithsonian Institution, and five hundred copies for the office of the United States Geological Survey of the Territories.

The resolution was concurred in.

BILL RECOMMITTED.

Mr. OGLESBY. The RECORD of yesterday morning shows that the Senator from Iowa, [Mr. WRIGHT,] "from the Committee on Finance, to whom was referred the bill (H. R. No. 3668) for the relief of Smith & Matthews, of Illinois, reported adversely thereon; and the bill was postponed indefinitely," but the evidence upon which the claim was based was not before the committee when they made the report. The claim is only for three or four hundred dollars. I therefore move now to reconsider the vote by which the bill was indefinitely postponed, and that it be recommitted to the Committee on Finance.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. JOHNSTON, from the Committee on Patents, to whom was referred the bill (H. R. No. 3424) for the relief of Thomas Winans and William L. Winans, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. OGLESBY, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3689) granting a pension to Bernard Sailer, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. RAMSEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 741) to provide for a commission upon the subject of postal telegraphy, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 884) to amend sections 245, 246, 247, 251, and 253 of an act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department, approved June 8, 1872, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 933) relating to mail contracts, reported adversely thereon; and the bill was postponed indefinitely.

Mr. FERRY, of Michigan, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 692) for the relief of William Chester, reported it without amendment.

He also, from the Committee on Finance, to whom was referred the petition of J. E. D. Couzins, praying compensation for the arrest and detention of counterfeiters of United States notes, submitted a

report accompanied by a bill (S. No. 958) for the relief of J. E. D. Couzins, of Saint Louis, Missouri.

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

Mr. BOUTWELL, from the Committee on Commerce, to whom was referred the bill (S. No. 232) to regulate the fees received from certain steam-vessels sailing coastwise and foreign, reported it without amendment.

Mr. HAMILTON, of Texas, from the Committee on Pensions, to whom was referred the bill (S. No. 893) for the relief of William C. Greene, of Indiana, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of James S. Herron and others, praying that a pension may be allowed to the widow of James Herron, of Pensacola, Florida, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 3188) granting a pension to Letta Bagley, reported it without amendment.

Mr. WRIGHT, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 3621) to abolish the western district of Arkansas, and for other purposes, reported it without amendment.

Mr. WADLEIGH, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2695) for the relief of Ely Cameron, reported it with an amendment.

Mr. FENTON. I am instructed by the Committee on Finance, to whom was referred the bill (H. R. No. 3023) for the relief of Andrew Mason, to report it back with a slight amendment. I desire to put this bill upon its passage. It is but seven lines in all.

Mr. EDMUNDS. I object, and insist on the regular order.

Mr. KELLY. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. No. 721) for the restoration of public lands in Fort Sedgwick reservation, in Colorado and Nebraska, to settlement and entry, to report it back without amendment, and I should like to have it put on its passage.

Mr. EDMUNDS. I object. I merely wish to say in explanation of my evidently very bad conduct that my object is that when we get through with resolutions I may ask the Senate to go to the Calendar of unobjected cases, so that we may go through with all those bills with which everybody is satisfied, and thus we shall do more good than we can by snatching up a bill at a time now. That is my apology if I need to make one.

Mr. BOGY, from the Committee on Private Land Claims, to whom was referred the bill (H. R. No. 3584) to grant title to certain lands in the Territory of Arizona, reported it without amendment.

Mr. NORWOOD, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2900) granting a pension to Josephine D. Thomas, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 330) granting a pension to Mrs. Penelope C. Brown, of Tennessee, widow of Stephen C. Brown, late a private of Company C, Eighth Tennessee Cavalry Volunteers, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2673) to restore the name of Hannah B. Eaton, of Kingsville, Ohio, to the pension-roll, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1403) granting a pension to Jehu Baker, reported adversely thereon; and the bill was postponed indefinitely.

Mr. SPRAGUE. The Committee on Public Lands have had under consideration the draught of a bill providing for the appointment of a commissioner to ascertain the rights of subjects of Great Britain to land in the territory which was the subject of the award of the Emperor of Germany under the treaties of 1846 and 1871 between the United States and Great Britain, and have instructed me to report the bill. The reference came to the committee through papers received from the State Department.

The bill (S. No. 959) providing for the appointment of a commissioner to ascertain the rights of subjects of Great Britain to lands in the territory which was the subject of the award of the Emperor of Germany under the treaties of 1846 and 1871 between the United States and Great Britain was read, and passed to a second reading.

Mr. SPRAGUE, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 3339) relating to the disposition of certain lands to be reclaimed in sections 14, 23, and 26, in township 16 north, of range 20, in the county of Sheboygan, in the State of Wisconsin, reported it without amendment.

Mr. SPRAGUE. The same committee, to whom was referred the bill (S. No. 904) to provide revenue from the sale of public lands, have directed me to report it back and recommend that it be indefinitely postponed. I ask that it be placed on the Calendar. I submit at the same time a minority report.

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

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 55) to authorize the construction of a public building at Topeka, Kansas, reported it without amendment.

Mr. CHANDLER, from the Committee on Commerce, to whom was referred the bill (H. R. No. 1588) to revise, amend, and consolidate the laws relating to the security of life on board vessels propelled in whole or in part by steam, and for other purposes, reported it without amendment.

Mr. FERRY, of Michigan, from the Committee on Finance, to whom was referred the bill (H. R. No. 3177) for the relief of DeWitt C. Chipman, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

THE INDIAN TERRITORY.

Mr. PATTERSON. I am instructed by the Committee on Territories, to whom was referred the bill (S. No. 570) to organize the Territory of Oklahoma, and for the better protection of the Indian tribes therein, and for other purposes, to submit a report, accompanied by the following resolution; and I give notice that I shall ask for the consideration of the resolution to-morrow at the expiration of the morning hour.

Resolved, That the Committee on Territories be authorized to sit during the recess and to investigate as to the manner of the execution of the laws of the United States in the Indian Territory; also as to the wants and sentiments of the inhabitants of said Territory, and the advisability of creating a territorial form of government for said Indian country; said committee to have power to take testimony and send for persons and papers; and that the expenses attending this investigation shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the said committee.

The report and resolution were ordered to be printed.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. WASHBURN submitted an amendment intended to be proposed to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

THE LEVEE COMMITTEE.

Mr. CLAYTON. I am instructed by the Select Committee on the Levees of the Mississippi River to report the following resolution, and ask for its present consideration:

Resolved, That the Select Committee on the Levees of the Mississippi River be authorized to sit during the recess and to investigate and report upon the condition of the levees of the Mississippi River, and also upon the propriety of the Government of the United States assuming charge and control of the same, with a view to their completion and maintenance; and that the expenses attending this investigation shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the select committee aforesaid.

Mr. EDMUNDS. That is a very important subject, and I think it had better lie over.

The PRESIDENT *pro tempore*. The resolution will lie over.

Mr. CLAYTON. Does the Senator from Vermont object?

Mr. EDMUNDS. I think it had better lie over as it involves very important considerations.

PERSONAL EXPLANATION.

Mr. SCOTT. I desire at the request of others who feel more interest in it than I do to correct, through the only medium through which it can be corrected, a statement which appears in most of the morning papers this morning. In the debate which occurred upon the moiety bill yesterday I am represented as saying that the moieties received by the officers at Philadelphia amounted in the last year to \$30,000. It is not the fact that that amount was received, and I did not so state, as the record of our proceedings shows.

COTTON PERMITS.

Mr. ALCORN. I ask leave to call up the resolution I submitted on the 29th of May. It will take but a little time to dispose of it.

The PRESIDENT *pro tempore*. The resolution will be read for information.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to furnish the Senate with copies of all cotton permits issued by Presidents Lincoln and Johnson, also with the names of agents appointed by the Secretary of the Treasury to purchase cotton in the Southern States, with copies of the forms used by said purchasing agents, and with a copy of any instructions from time to time issued by the Secretary of the Treasury, or officers under him, to said purchasing agents.

Mr. EDMUNDS. I hope the Senator from Mississippi will not insist upon taking that up for passage. If he wishes to have it referred to the Committee on Finance for inquiry into the expense of this matter and the necessities of the Government in respect to it before this order is made, I should have no objection; but if he wishes to take it up for consideration with a view to having it adopted without being referred to any committee whatever, I hope the Senate will not take it up, but will allow us to proceed with the regular order of the Calendar of unobjected cases in order to dispose of as much business as possible.

Mr. ALCORN. I do not think it is necessary to refer this resolution to the Committee on Finance, and if the Senate will take it up and pass upon it it will occupy but a little time. If the Senate after it has heard me for five minutes votes down the resolution I will say no more about it. I only want to present the case and the necessity for this resolution, and refer it to the judgment of the Senate as to whether we shall be entitled to have the information or not.

Mr. SHERMAN. I desire to suggest to the Senator from Missis-

sippi an amendment, to call only for the papers not already printed. There have been several volumes on that subject.

Mr. ALCORN. Well, I am willing; "all that have not been printed." All that have been printed already I am willing as a matter of course should be excluded.

Mr. EDMUNDS. The resolution is not up yet.

The PRESIDENT *pro tempore*. The question is, Will the Senate proceed to the consideration of this resolution?

Mr. BOUTWELL. I should like to have the resolution read.

The PRESIDENT *pro tempore*. The resolution will be read.

Mr. ALCORN. An amendment is suggested by the Senator from Ohio.

Mr. EDMUNDS. It cannot be amended until we conclude to consider it.

The Chief Clerk again read the resolution.

Mr. ALCORN. I will add a proviso that nothing shall be reported that has heretofore been transmitted and printed.

Mr. BOUTWELL. I hope that resolution will not be taken up at this stage of the session, for it involves matters of great consequence; but if it is taken up, I shall ask that it be referred to the Committee on Finance.

Mr. ALCORN. It has been laid over for several days.

Mr. BOUTWELL. I hope it will not be taken up. We have other matters to attend to of more consequence.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Mississippi to proceed to the consideration of the resolution.

The motion was not agreed to.

THE DISTRICT GOVERNMENT.

Mr. MERRIMON. Is the morning business over?

The PRESIDENT *pro tempore*. Resolutions are in order. [A pause.] There seems to be no further morning business.

Mr. EDMUNDS. I move to proceed to the Calendar of unobjected cases.

Mr. BOREMAN. I have a resolution which I wish to offer, or rather a motion to make. It is to reconsider the vote by which the bill (H. R. No. 3680) for the government of the District of Columbia, and for other purposes, was passed. I move to reconsider that vote.

The PRESIDENT *pro tempore*. Does the Senator ask for the present consideration of the motion?

Mr. BOREMAN. Yes, sir. I make this motion in order that I may understand a proposition in this bill which I regard as a very important one, if I apprehend it correctly. This bill had been reported but a very short time before action was taken upon it by this body. I admit that I had not read the bill when it came up for consideration yesterday. I listened to the reading of it by the Secretary, but in the hurried transaction of business here in the latter part of the session, of course it is very difficult to hear everything that is read at the desk. I find that in the fourth section of this bill it is provided—

That for the support of the government of the District of Columbia, and maintaining the credit thereof, for the fiscal year ending June 30, 1875, there shall be levied upon all real estate in said District, except that belonging to the United States and to the District of Columbia, and that used for educational and charitable purposes, the following taxes, namely:

If I understand this provision correctly, it is intended to inaugurate in this District the taxation of a class of property which has never hitherto in this country, so far as I know, been taxed; that is, the property belonging to all the churches located within the District. If I had noticed this provision yesterday, I should have asked for a vote by yeas and nays on a motion to strike it out to see whether the Senate is prepared at this particular time and upon this particular bill to inaugurate a system of taxation which has never hitherto, so far as I know, been imposed in the United States.

I wish now to learn whether I give a correct construction to this provision in the bill. I trust that the chairman of the committee will explain to the Senate what the purpose of the committee is and whether the construction I give this clause, that it is intended to tax church property, is the correct one.

Mr. ALLISON. Mr. President, in reply to the question of the Senator from West Virginia, I would say that it was the intention of the committee to exempt only real estate used for educational purposes and belonging to charitable institutions. The Congress of the United States three or four or perhaps five years ago passed an act exempting in this District all church property from taxation. The church property amounts to about one-fifteenth of the real estate in this District; and the vast improvements that have been made in this District have been made in and around church property at the expense of the property-holders living upon the street to a large degree and at the expense of the whole city, amounting in the aggregate to nearly \$20,000,000.

The committee found themselves in a position where it became necessary to tax the property of this District to relieve it from its embarrassment. The council of the local Legislature in this District recommended that church property be taxed. The house of delegates have recommended that church property be taxed for this purpose. It is a temporary tax. It only applies to the year 1875. We have submitted it to a joint committee of the two Houses for the purpose of readjusting taxation in this District, as well as every other question involved in it; but we believe that all the real estate in this District

should bear its proportion of the temporary burden required to lift up this District from its insolvency and embarrassment, and therefore we put in this provision, and I believe the Senator from West Virginia gives it the proper and correct construction.

Mr. STEWART. I hope no motion to reconsider this bill will be entertained. If it is opened once our work will be lost. I do not believe that on the whole it can be improved. All these matters were considered, and considered in great detail and at length; and I wish to say here that I have heard considerable complaint about this 3 per cent. tax. It is only on real estate; and this city has been vastly improved and the people have been largely benefited by these improvements. The tax is no more burdensome here than it is in many cities outside of Washington. It is for improvements that have enhanced the property of all the citizens here. It is an improvement tax. Other cities have not regarded such a tax as objectionable. If 3 per cent. alone were levied on their real estate they would not complain. The people of this District must not complain. They cannot have a beautiful city without bearing their proportion; and if they do that the people of the United States will say that Congress shall be liberal and shall bear its just proportion, we having laid the city out on a scale of magnificence that it is impossible for the people here to maintain alone. But when the people here have done their duty, and their full duty, they can call upon the people of the United States through Congress to contribute in a just proportion to make this the capital city. We have provided for an investigation of what shall be the just proportion; but in the mean time the people here must stand their fair share.

As to church property it is an open question whether it would not be better to have that property taxed as private property is. There is a difference of opinion among the churches on this question as a general proposition. But in this case when the churches own large quantities of real estate that they are not using for immediate purposes, and it has been largely enhanced in value by these improvements, this special tax should be paid by them with cheerfulness. I believe it will be. I do not believe any church will complain of this. It does not touch the general question whether church property should be taxed at all times or not; but it reaches the question whether church property held for speculative purposes, held for its enhancement in value, having been so enhanced by these improvements, shall pay its proportion of the cost of the improvements. That is the question. The committee considered it. It is no new question. We do not pass now upon the general question of whether church property shall be taxed; but we say in this special instance in Washington, it having been improved at large expense and enhanced largely in value, there is no way of meeting the expense except by taxing the whole property. We cannot exempt one-tenth of the property of the District from taxation and meet the expense by any appropriation that Congress will probably make in addition to the taxation that the people must pay. These questions have all been considered, and I hope the bill will not be reconsidered for any consideration.

Mr. SARGENT. I did what I could, as is known to the Senate, last evening to lead with courage a somewhat small minority. I made then all the fight I desire to make on the bill. I trust the bill will meet the expectations of the able committee who report it. I do not believe at this late hour we ought to reopen the question again, and I therefore desire to say only that I shall vote against the motion to reconsider.

Mr. BOREMAN. I do not propose to avoid the subject of taxation in this District. That is a matter that cannot be avoided, I apprehend. The debt of the District has to be paid either by taxation of the District or by appropriations from the Treasury of the United States, or in some other way that I am not advised of at this time. The only point I made was in regard to inaugurating a system of taxation of church property in this District, when it was not, so far as I knew, the practice in any of the States of the Union. If it is so I am not advised of it. I wish simply now to have a vote of the Senate upon the question of reconsideration. I do not know that the Senate will reconsider this vote; but I give notice that if they do I shall move to add to the exemption in the bill "property held for church purposes," so that the exemptions shall include not only property "belonging to the United States and to the District of Columbia and that used for educational and charitable purposes," but also "property held for church purposes." I should like to have the yeas and nays on the motion to reconsider.

Mr. THURMAN. Mr. President, I have but a very few words to say, for I do not wish to occupy the time of the Senate upon this matter.

This subject was fully considered in the committee, and nothing but the absolute necessity to raise a sufficient sum to meet the expenses of this District until a new frame of government can be established and the wishes, so far as we know, of the people of this District, certainly as manifested by the expression of their Legislature, to which allusion has been made by the Senator from Iowa, induced us to report the section to which attention has now been called, and we received not one single remonstrance against it. Although it was known that the bill contained that provision, although the bill has been read perhaps by nine-tenths of the people who can read in the city of Washington, and has been the subject of review in all the

newspapers, and this particular subject of taxing church property has been brought to the attention of the public by a resolution of the District Legislature, not one single remonstrance has been received against that provision of the bill.

I think any one who will make himself acquainted with the amount of church property that is held in this city, a great portion of which is not used for church purposes at all, but great blocks that are vacant and that have been improved in every way in which property can be improved, by the amelioration of the streets, the construction of sewers, and everything of that kind, without paying a single cent of taxes—every one will say that under the peculiar circumstances of the case these institutions should come in and help to lift this burden off the people of the District. I think there is no complaint about that at all.

Now I wish to submit a question, and that is, whether a motion to lay the motion to reconsider on the table is in order?

Mr. EDMUNDS. It is in order, and I hope the Senator will make it.

Mr. MORTON. I desire to say one word.

Mr. THURMAN. I would make it, but my friend from Indiana wishes to speak. I ask him will he renew the motion?

Mr. MORTON. I will yield the floor to you to do it.

Mr. President, I was not here yesterday when this bill passed. I have been called upon by several gentlemen, residents of this District, gentlemen who have not sympathized with this investigation, and who are friends of the existing government and of Governor Shepherd, who have made certain representations to me which I think were important and deserving of attention in regard to the tax levied by this bill. This bill provides for a tax of 3 per cent. upon real estate. I understand there is an existing tax of 2 per cent. that has not been paid also levied upon the same real estate to be collected upon the same assessment—an assessment made last year at a large valuation, in many cases larger than the property would sell for now in the present condition of the times and of the prices of property. They also represent that very many of the property-holders of the city have large assessments unpaid against them for street improvements, in some cases equal to half the value of the property, in other cases perhaps equal to the full value of the property. These gentlemen say that these two taxes, in all 5 per cent., together with the tax for the street improvements, will, in a great many cases, amount to the confiscation of the property; that the small property-holders, men in moderate circumstances, will not be able to pay. They think that great oppression, suffering, and distress will result from the provision in this bill in regard to taxation. They fully concur with the bill in other respects, that the present government ought to be abolished, and are satisfied with the general provisions of the bill, but they say that from their knowledge of the condition of the District, and of the indebtedness of the people and the general depression of the times, in their opinion this bill would amount to the confiscation of a large amount of property in this District.

Mr. THURMAN. Undoubtedly, precisely such representations as have been so clearly stated by the Senator from Indiana have been made. They were made to the committee. They were considered by the committee. But what are the facts? Why, sir, in the city in which I live, which is the lightest taxed city in Ohio, we pay in round numbers 3 per cent. on all the personal as well as real property; in the city of Toledo they pay 4 per cent. on all the real and personal property. There is not a city in Ohio of any magnitude in which there is not a tax of about 3 per cent. upon the whole personal as well as real property. It is altogether a mistake to say that this is a tax which cannot be borne. Why, sir, this bill relieves these people of two millions of taxation already levied upon them at one sweep. It lifts off two millions of taxes at one single dash of the pen from these people, and it is quite useless to say that they cannot bear this tax.

Mr. MORTON. I will ask my friend what is the gross amount of unpaid taxes or unpaid assessments for street improvements?

Mr. THURMAN. I cannot tell exactly. It is distributed into five payments. I will ask the Senator from Iowa what is the amount of unpaid street assessments?

Mr. ALLISON. Including the sewer tax and the unpaid assessments for the streets, there are over \$4,000,000 due.

Mr. THURMAN. What is the gross amount of the street assessments?

Mr. ALLISON. There are \$2,400,000 of street assessments, to which ought to be added \$1,050,000, which have already been disposed of, making over \$3,000,000 for street assessments alone.

Mr. THURMAN. Only one-fifth of that fell due this year.

Mr. ALLISON. That is true.

Mr. THURMAN. But I do not wish to take up time. I move to lay the motion to reconsider on the table.

Mr. SHERMAN. Does not that carry the bill with it?

Mr. EDMUNDS. No, sir; that has been decided over and over again.

Mr. THURMAN. It was decided by Mr. Colfax long ago that such a motion does not carry the bill with it.

The PRESIDENT *pro tempore*. The motion is in order.

Mr. THURMAN. It does not carry the bill with it.

The PRESIDENT *pro tempore*. It does not. The question is on the motion to lay the motion to reconsider on the table.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. EDMUNDS. I now renew the motion to proceed to the Calendar of unobjected cases under what is called the Anthony rule.

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

Mr. BUCKINGHAM. Before we proceed to the Calendar I desire to make a motion. There are quite a number of bills reported from the Committee on Indian Affairs upon which would be a great relief, some to the Indians, and some to the settlers on these Indian lands. I will ask once more that the Senate give me an opportunity to present these bills so that they may be acted upon at some particular hour, and if no better hour is suggested I will name six o'clock this afternoon.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks unanimous consent that at six o'clock this afternoon the Senate will proceed to consider bills reported by the Committee on Indian Affairs.

Mr. EDMUNDS. I feel obliged to object. The Judiciary Committee is in the same category, and if we can go through the Calendar of unobjected cases we shall dispose probably of a good many of the bills of the Indian Committee and a good many of ours, and of the bills of every other committee. It is impossible at this stage in the session justly to set aside any time to any particular committee. It does not do justice to the rest of the Calendar, in my opinion.

Mr. BUCKINGHAM. Other committees have had hours set apart for them since I first made this application.

Mr. EDMUNDS. It is a very bad practice indeed.

Mr. BUCKINGHAM. It may be a very bad practice, but I do not know how otherwise we are to secure the interests of those represented by this committee.

Mr. EDMUNDS. You would have got some of those bills passed by this time if you had let us go on with the Calendar.

Mr. WASHBURN. I ask the Senate to take up a bill which is No. 691 in the order of business.

Mr. EDMUNDS. I believe the first bill on the Calendar has been already called.

The PRESIDENT *pro tempore*. The first bill on the Calendar is before the Senate.

PROPOSED RECESS.

Mr. STEVENSON. I gave notice yesterday that I should move today to take a recess until half past seven o'clock for the purpose of considering House bill No. 2190, the pension bill relating to the soldiers of the war of 1812, and I now make that motion.

Mr. EDMUNDS. Is that motion in order?

The PRESIDENT *pro tempore*. It is.

Mr. EDMUNDS. I thought there was a later order which declared that we should have a continuous session from eleven to six o'clock.

The PRESIDENT *pro tempore*. The later order was that the Senate would sit from eleven to six o'clock. The Senator from Kentucky moves to take a recess from six until half past seven o'clock, which motion is in order under the former order of the Senate.

Mr. EDMUNDS. I respectfully submit that the motion to take a recess under the former order must be a motion to take a recess at the time when the motion is made. But I do not care anything about that; the Senate is full, and I would as soon the question should be taken now. I waive any point of that kind for the present.

The PRESIDENT *pro tempore*. The rule says "that during the present session it shall be in order at any time to move a recess." The motion is strictly in order.

Mr. EDMUNDS. I merely wish to say, by unanimous consent, as I suppose this motion is not debatable, that to take a recess for the purpose of considering this evening the pension bill which the Senator refers to is to take a recess which when you come to the measure involves the expenditure of a great many millions of dollars for a purpose which will require a good deal of debate before I am convinced that it ought to be done. Therefore I hope at this stage of the session that the Senate will not take a recess for any such purpose. In fact I may say as a point of order that that would be equivalent to making a special order, and you cannot take a recess for that purpose. You may take the recess, and then the Senator must take his chance about getting up the bill if he can. I hope we shall not take such a recess.

Mr. STEVENSON. Admitting the proposition of the Senator from Vermont that this may be in the nature of a special order, I only want to give notice that if we do take the recess it will be for the purpose of taking up this pension bill at the evening session. It may require a good deal of money. I will not deny the proposition of the Senator from Vermont that it may require millions of money; but to what more praiseworthy object could money be given than to the relief of the poor widows whose husbands lost their lives in the defense of their country? Many of them are about passing away, and from every part of this country petitions come up that this bare act of justice to the widows of these brave men shall be done. We can build in this city of Washington a single building that will cost \$6,000,000, which is about the proposed cost of the new Congressional Library; we can give millions of money for the improvement of this city, and yet when it comes to a bare need of justice to these poor widows, gentlemen think it is too expensive. But I do not intend to take up the time of the Senate. I hope we shall have a full vote on

the question whether we shall meet here at half past seven o'clock, and if we do meet I shall move to take up the pension bill.

Mr. EDMUNDS. I ask for the yeas and nays on this question. I want to determine now whether the Senate on the last day but one of the session is going into the matter of paying pensions to a large body of our fellow-citizens in the South, whose last achievement was being engaged in the rebellion. I want to have it distinctly understood and find out what the majority of the Senate wish to do at this time. As the question is not open to debate, I do not care about speaking upon it.

Mr. PRATT. Mr. President—

The PRESIDENT *pro tempore*. Debate is proceeding by unanimous consent.

Mr. BOUTWELL. I must object.

The PRESIDENT *pro tempore*. The Senator from Vermont asks for the yeas and nays on this question.

The yeas and nays were ordered.

Mr. SHERMAN. I call for the regular order.

Mr. CHANDLER. So do I.

Mr. SHERMAN. Pending the regular order of business I suppose this motion is not in order.

The PRESIDENT *pro tempore*. The motion is in order and the Secretary will call the roll.

The question being taken by yeas and nays, resulted—yeas 34, nays 21; as follows:

YEAS—Messrs. Alcorn, Bayard, Boggy, Carpenter, Cooper, Davis, Dennis, Fenton, Ferry of Michigan, Flanagan, Gilbert, Goldthwaite, Hamilton of Texas, Johnston, Kelly, Lewis, McCreery, Merrimon, Mitchell, Morton, Norwood, Oglesby, Patterson, Pratt, Ransom, Saulsbury, Schurz, Spencer, Sprague, Stevenson, Stockton, Thurman, Tipton, and Windom—34.

NAYS—Messrs. Anthony, Boutwell, Buckingham, Chandler, Clayton, Conover, Edmunds, Frelinghuysen, Hager, Hitchcock, Howe, Morrill of Maine, Morrill of Vermont, Ramsey, Sargent, Scott, Sherman, Stewart, Washburn, West, and Wright—21.

ABSENT—Messrs. Allison, Boreman, Brownlow, Cameron, Conkling, Cragin, Dorsey, Ferry of Connecticut, Gordon, Hamilton of Maryland, Hamlin, Harvey, Ingalls, Jones, Logan, Pease, Robertson, and Wadleigh—18.

So the motion of Mr. STEVENSON was agreed to.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The morning hour having expired the Senate resumes the consideration of the unfinished business, which is the river and harbor bill.

Mr. WRIGHT. I trust the Senator from Michigan will consent to let us take up the conference report on the currency bill and have a vote upon it. I have no wish to say a word upon the subject and I do not suppose anybody else has.

Mr. EDMUNDS. I think that had better lie over a little while. I have not had time to examine it myself.

Mr. WRIGHT. All I want is to have the question disposed of as soon as possible. If it can be understood that it will be taken up in a short time hence—

Mr. EDMUNDS. I will withdraw my objection at the end of an hour from this time; and beyond that I merely wish to give notice that to-morrow morning, if we are all here, I shall again ask the Senate to go to the Calendar of unobjected cases and shall insist upon the regular order from this time to then.

Mr. FRELINGHUYSEN. I would ask the Senator from Michigan to give way to the Utah bill, laying aside his bill informally.

Mr. CHANDLER. I think we had better stick to the regular order.

TRANSFER OF GOLD BARS.

Mr. SHERMAN. There is a Senate bill on the table which has been returned from the House of Representatives with a small amendment, upon which there is a necessity for immediate action. I therefore ask to have it taken up and acted upon now.

There being no objection, the Senate proceeded to consider the amendment of the House of Representatives to the bill (S. No. 784) authorizing the transfer of gold mint bars from the bullion fund of the assay office, New York, to the assistant treasurer at New York, which was to insert after the words "coin at," in line 8, the words "market value."

Mr. SHERMAN. I move to amend the amendment by inserting in lieu of it the words "and not less than the market value" at the place I have indicated on the paper which I send to the desk. That will accomplish the object of the House. The language inserted in the House is in the wrong place. The bill simply authorizes the transfer of mint bars from the bullion fund of the assay office to the assistant treasurer at New York. It has passed the Senate already.

Mr. SARGENT. What difference does it make about the market value?

Mr. SHERMAN. The House, probably by inadvertence, have introduced those words at the wrong place, and I want them inserted at the proper place.

The amendment to the amendment was agreed to.

The amendment, as amended, was concurred in.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

The first amendment reported by the Committee on Commerce was on page 4, after line 75, to insert:

For removing bowlders and rock from the Detroit River, partly in Canadian waters, \$25,000.

The amendment was agreed to.

The next amendment was on page 5, in line 97, to insert after the words "Dunkirk, New York," the words "and Erie, Pennsylvania."

The amendment was agreed to.

Mr. SCOTT. I wish to add at the end of that line an amendment in accordance with the recommendation of the Department, and one to which I presume there will be no objection.

The PRESIDENT *pro tempore*. If there be no objection the Chair will receive the amendment now, though the usual course is to go through with the amendments reported by the committee. The Clerk will read the amendment proposed by the Senator from Pennsylvania.

The CHIEF CLERK. The proposed amendment is to insert after the word "dollars" in line 98 the words "of which not less than \$20,000 shall be expended at Erie;" so as to make the clause read:

For continuing the improvement of the harbor at Dunkirk, New York, and Erie, Pennsylvania, \$35,000; of which not less than \$20,000 shall be expended at Erie.

Mr. CHANDLER. There is no objection to that.

The amendment was agreed to.

The next amendment of the Committee on Commerce was in line 124, after the words "Saint Anthony," to insert the words "and for the improvement of the Mississippi River above the Falls of Saint Anthony;" so that the clause will read:

For continuing the improvement of the Falls of Saint Anthony, and for the improvement of the Mississippi River above the Falls of Saint Anthony, Minnesota, \$50,000.

The amendment was agreed to.

The next amendment was in line 127, to strike out after the word "for" the word "continuing," and after the word "the" in the same line to insert the words "survey or;" so that the clause will read:

For the survey or improvement of the Minnesota River, \$10,000.

The amendment was agreed to.

The next amendment was in line 130, to strike out after the word "river" the words "including repair of United States steamer Search, so that the clause will read:

For continuing the improvement of the Upper Mississippi River, \$25,000.

The amendment was agreed to.

The next amendment was to strike out in lines 141 and 142 the following clause:

For continuing the improvement of the White River above Jacksonport, \$50,000.

Mr. CLAYTON. I should like to ask the chairman of the Committee on Commerce what reasons governed the committee in moving to strike out this appropriation?

Mr. CHANDLER. I will give the reason. In the estimates of the board of engineers will be found this:

No work has been done under this appropriation—

The appropriation of \$50,000 made last year—

No work has been done under this appropriation beyond fitting a boat for service in those streams during the coming season.

Only snagging operations are contemplated. The appropriation will allow of five months' work, of which I propose to expend three in the White River, below Jacksonport, and two in the Saint Francis, below Wittenburg.

The report shows \$46,568 on hand of last year's appropriation, and as nothing but snagging is contemplated by the board of engineers, the committee deemed that fully sufficient for one year.

Mr. CLAYTON. We have in the State of Arkansas three thousand five hundred miles of navigable water, and with the exception of the small appropriation made for the Mississippi and Arkansas Rivers, most of which is made for the Mississippi River, if the recommendation of the committee be adopted not one cent will be appropriated toward rendering available those natural highways of thirty-five hundred miles in extent. I see from the report of General Humphreys that he recommends this appropriation of \$50,000 for the White and Saint Francis Rivers. I find that the chairman of the Committee on Commerce proposes to strike out this \$50,000, taking away from the State of Arkansas every cent of appropriation, with the exception that I have spoken of heretofore, and I find in looking over the amendments of the committee that for the Detroit River \$25,000 is appropriated. I have no objection to that appropriation being made, and I voted for it just now; but I do object to robbing poor Arkansas Peter to pay rich Michigan Paul.

A great deal has been said about cheap transportation; propositions are on foot now to expend tens of millions, perhaps hundreds of millions toward creating artificial means of transportation. It seems to me that it would be a wiser policy on our part to expend a few thousand dollars yearly, as we have been in the habit of doing, toward rendering available the means of transportation that nature has so admirably adapted to the commerce of this country. I do hope that the Senate will stand by me in this little appropriation of \$50,000 for thirty-five hundred miles of navigable water.

Mr. CHANDLER. I will say that there are very large appropriations in this bill for the Arkansas and other rivers; but this river, where it is simply proposed to use a snag-boat, some three hundred miles above where it unites with the Arkansas, is a small stream, and

there are no reports as to the commerce of the river, and there being \$46,568.39 on hand for snagging purposes the committee thought it was sufficient for this year.

I will state, furthermore, that of the \$4,500,000 appropriated in this bill there are something over \$2,000,000 for the Mississippi River and its branches. All the watershed of the Mississippi Valley is interested in the whole of that \$2,000,000. The committee has tried to so apportion it as to do the most good to the commerce of that great region.

Mr. CLAYTON. The large appropriation that the Senator speaks of as being made for the improvement of the Arkansas River is this:

For continuing the improvement of the Mississippi, Missouri, and Arkansas Rivers, \$100,000.

Mr. CHANDLER. There is likewise an appropriation for the Red River raft.

Mr. CLAYTON. That is not in Arkansas at all; it is in the States of Louisiana and Texas. A small portion of it touches the southern boundary of Arkansas, but a very small portion. The only appropriation you have now made for the State of Arkansas is \$100,000, which is to be applied for the Missouri, the Mississippi, and the Arkansas Rivers. I should like to know how much the river Arkansas will get after the Missouri and Mississippi Rivers have been provided for.

Mr. DAVIS. In my opinion this appropriation of \$50,000 ought not to be stricken out. I have looked over this bill with some care, and I find that the \$50,000 appropriated here is the only amount allotted to Arkansas, and by a little further inspection I find that Michigan—I refer to her as she has been spoken of—has \$475,000 in this bill and \$25,000 of that has been added since the bill came from the House. This is about the usual proportion. I think the figures will bear me out in saying that since the war about one-tenth, perhaps one-ninth of the entire appropriations for rivers and harbors has been given to one State on the lakes. Without stating it as a fact, I think the figures are pretty nearly what I stated when I assert that two States lying in the Northwest have got more from the public Treasury in the shape of river and harbor appropriations than the thirteen or fourteen States south of the Potomac. I think that is the fact.

Mr. CHANDLER. Mr. President—

The PRESIDING OFFICER. (Mr. FERRY, of Michigan, in the chair.) Does the Senator from West Virginia yield to the Senator from Michigan?

Mr. DAVIS. Yes, sir.

Mr. CHANDLER. The State of Michigan happens to have a larger coast line than any other State in the Union, and along that coast line more than one thousand millions of commerce pass annually. It is true that there are \$475,000 appropriated in this bill to those waters surrounding the State of Michigan. She is a peninsula with thirteen hundred miles of coast line. We cannot pass a river and harbor bill as a matter of course without having the appropriations for Michigan brought up, and I had some idea of commencing the consideration of this bill by reading about thirteen speeches that have been made in the last thirteen years calling attention to the appropriations for Michigan, and then reading one of my old speeches that I have made thirteen times in reply to them, which will answer just as well.

The Committee on Commerce pays no attention to State lines. Its duty is to appropriate for the commerce of the nation regardless of State lines, and it has endeavored to do it. Allusion has been made to the committee putting on \$25,000 for the mouth of the Detroit River. There is more than twelve millions of commerce passing that very point in seven months in the year, or two millions a month substantially. Michigan did not ask for that appropriation; it was asked for by every board of trade in the United States, from Boston to Philadelphia and Saint Louis. Pennsylvania, New York, Ohio, Indiana, Illinois, Wisconsin, all have ten times the interest in these appropriations that Michigan has. Why, Mr. President, Michigan has five parallel lines of railroad, all coming in below the Saint Clair flats, running through from lake to lake substantially completed, and the commerce of Michigan goes by rail to Detroit, and there is only \$25,000 here for the benefit of that great commerce.

Mr. CLAYTON. I should like to ask the Senator whether the Engineer Department has recommended that appropriation?

Mr. CHANDLER. Which appropriation?

Mr. CLAYTON. For the Detroit River.

Mr. CHANDLER. Certainly they have.

Mr. CLAYTON. I do not see it in General Humphreys' recommendation.

Mr. CHANDLER. I have it here.

Mr. CLAYTON. I have looked carefully over his recommendations and have not been able to discover it; but I voted for that.

Mr. CHANDLER. There were eight wrecks there last year. This is simply to remove bowlders that have laid there since the glacial period; and by deepening the channel across the Saint Clair flats we have enabled them now to put on two thousand ton ships, and those two thousand ton ships touch these bowlders and there were eight wrecks and a loss of \$178,000 last year alone. Now suppose you had a wreck or a rock discovered in New York harbor, how long would it be before there would be an appropriation put through here in post-haste to remove it? And yet there is more commerce passing that point during seven months in the year than there is in and out of the harbor of New York.

Mr. HAGER. Mr. President—

Mr. DAVIS. I gave way to the Senator from Michigan for a question. I have not heard the question yet.

The PRESIDING OFFICER. The Senator from West Virginia retains the floor.

Mr. DAVIS. I gave way to the Senator from Michigan for a question, but I have not heard it.

Mr. CHANDLER. I did not get up to ask a question. I answered one.

Mr. DAVIS. The Senator from Michigan has thought proper to say that the Committee on Commerce ignore State lines entirely. I fully agree with him in that respect. I think they have done so, as a rule, for a couple of States up North appear to get all and other States not a dollar.

Arkansas, as I understand, has as much navigable water as perhaps any State in the Union, more I am told than any other; and yet there is but \$50,000 appropriated to that State; she has hitherto got comparatively nothing; and even that \$50,000 is proposed to be stricken out by the committee, and \$25,000 of that sum—I presume it is of that sum, but certainly \$25,000—is transferred to the State of Michigan, when previous to that as the bill came from the House she had \$450,000, or about one-ninth of this whole bill.

My impression is that it would be unjust, unfair, and unstatesmanlike to strike out this \$50,000 appropriated to the Arkansas River. We all know it ought to be double or three times that in comparison with what a portion of the rivers in the Northwest received. It is a fact I believe that the Northwest, though they may have a great deal of commerce—that I say nothing about—have a large amount of appropriations, while there is an equal amount of commerce in other places that in this bill have nothing. Take the State of Missouri, for instance; \$25,000 was appropriated by the House in this bill for that State, and only \$25,000. That was the only appropriation affecting the State of Missouri, and yet it has been struck out by the Committee on Commerce. When the amounts were read in the bill for the States in the Northwest, including Michigan, nothing was said by any one on this side of the House; we were all willing to be liberal; but we believe it is right and just that an equally liberal spirit should meet the South and Southwest as is exhibited to the Northwest.

Mr. WINDOM. I desire to ask the Senator from Arkansas whether the amount appropriated by the House is the amount in the reduced estimates of the Department?

Mr. CLAYTON. It is the amount called for in the estimates for the White and Saint Francis Rivers.

Mr. WINDOM. Then I shall favor the proposition of the Senator from Arkansas. At the opening of this session of Congress, as will be remembered, the Departments were all requested to reduce their estimates. They revised them carefully; and in presenting these reduced estimates it is fair to presume that those officers of the Government who know best what the wants of certain localities are and the necessities of certain improvements have reduced them as low as they could consistently with the public service. In fact, I know the letter of the Engineer-in-Chief transmitting these reduced estimates to Congress says specifically that he has kept that fact in view and has reduced them as low as he could without detriment to the public service. Believing that to be true, I shall sustain this appropriation.

I want to say further, while on this subject and on the floor, that there is no bill which will be brought before the Senate about which I propose to be so liberal in appropriations as this bill, for the reason that there is no other bill brought before Congress that leaves behind it, to show for the appropriations made, substantial benefits to business interests of this country; at least none that can be compared with this. And yet I think it is true, Mr. President, that for the last ten years no bill has been brought before Congress about which there has been so much criticism—I was going to use the term "penurious higgling," but I will not use it—about which there has been so much criticism as this bill. You bring in the sundry civil appropriation bill which passed the House recently, which appropriates \$600,000 for the survey of the coast around this country—proper enough; I do not object to it—but when that \$600,000 appropriation is discussed here, you will probably find no objection to it whatever. The same bill appropriates \$750,000 for a public building in one place and a million and a half for public buildings in another place; but when we propose to appropriate \$50,000 to benefit the section of country represented by my friend from Arkansas we stand here and discuss it, seeking to strike it down, finding fault with loading the bill, and all that.

Mr. President, I am in favor of putting upon this bill whatever is necessary for the business interests of the country. It leaves behind it something to show for the appropriation. When you appropriate money to pay salaries, or for nearly every other object that we appropriate money for in the Senate, it passes away with the end of the year and leaves nothing behind to benefit anybody. This is the people's bill for the people's interest, and to benefit commerce in this country, and on it I am willing to stand for all proper appropriations recommended by the Departments, especially when they have been called upon to revise and reduce their estimates and they say they cannot bring them below a certain point without detriment to the public service, as I believe is the case with my friend's proposition.

Mr. SPENCER. Being a member of the Committee on Commerce, I wish to say that I endeavored in the committee to have the Ouachita River substituted for the White River. The White River above Jackson-

port is an unimportant stream; the country is sparsely settled; there is no commerce there, and very little use for the appropriation. I would say to the Senator from Minnesota that the revised estimates of the engineers do not recommend such improvements as these as necessary. I am sorry to see the appropriation for Arkansas stricken out, and I endeavored in the committee to stop it; but I sought to substitute the Ouachita River for the White River. The Ouachita River drains a rich alluvial country, and its improvement would benefit commerce. There is no necessity for this improvement of the White River above Jacksonport.

Mr. BOGY. I will not detain the Senate on this matter beyond the statement of a fact. I hope this appropriation will not be taken away from the State of Arkansas. White River can be made navigable for a large portion of the year with a small annual improvement. It drains all Northern Arkansas, flowing in a westerly direction along the northern line of the State of Arkansas and not far from the southern line of the State of Missouri, and it is a most important stream and the only outlet for that portion of Arkansas. It drains some ten or twelve of the finest counties of that State, counties that are improving in population every day, a fine cotton region; and it is the only means by which that portion of the country, Northern Arkansas and Southern Missouri, can get to market except by the old way, with mules and horses. If this river is not improved by a small annual improvement it becomes unnavigable on account of logs and driftwood brought down every spring.

In the revised estimates the sum of \$50,000 is recommended for this improvement. In the original estimates the sum of \$64,000 was recommended, but in the revised estimates made in December, 1873, sent to Congress in January, 1874, under the resolution of the House of December 7, 1873, the sum of \$50,000 is recommended as the amount necessary for that river. If we are to take anything as our guide in these appropriations, it does seem to me that these estimates are the best guide. I do hope this small appropriation will be retained, because I know it is important and without it that river is unnavigable for this year.

Mr. CHANDLER. Last year the Committee on Commerce put in a clause requiring the engineers in making surveys to give the statistics of commerce of all the harbors and rivers where appropriations were made, and in nearly all cases those statistics of commerce are given. They were required to do the same in regard to White River, but there are no statistics of the commerce of White River given. As there was \$46,568 on hand, the committee thought it was as well for them to expend that \$46,568, and return the statistics of the commerce of the river in their annual report. In almost every instance the statistics of commerce are given where any appropriation has been made.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Commerce striking out the clause.

Mr. CLAYTON. I suppose the vote "no" on this will be to retain the appropriation.

Mr. SCHURZ. That is understood.

The PRESIDING OFFICER. Those voting "ay" vote to strike out the appropriation.

The amendment was rejected; there being on a division—ayes 16, noes 30.

The next amendment reported by the Committee on Commerce was to strike out lines 143 and 144, as follows:

For continuing the improvement of the Osage River, Missouri, \$25,000.

Mr. SCHURZ. I hope the Senate will not agree to this amendment. Much that has been said about the White River is applicable to the Osage River; and also the report of the engineer shows that the amount required in addition to the balance left of the last appropriation was \$125,000. The revised estimates show that the board of engineers ask for the appropriation made here and now moved to be stricken out by the Committee on Commerce.

The question may be asked what is the commerce of the Osage River; and I suppose the committee had no statistics about that very likely. I can inform the committee that there is a very extensive mining industry springing up on the banks of that river which absolutely requires for the transportation of its products the improvement of the river.

The improvement has been commenced, and I think it is a matter of experience that when improvements are commenced and are interrupted then the good that has been achieved by the expenditure of the money is lost by the parsimonious refusal of the amount required to complete them. I hope, therefore, that the Senate will not agree to the amendment proposed by the committee.

Mr. CHANDLER. The same remarks which were made about White River will apply to this. I have no further remark to make.

Mr. BOGY. I will only state that this \$25,000 is recommended in the revised estimates. The same amount was appropriated last year. The total amount recommended for this river was \$125,000, which would effect the entire improvement of the Osage River, a river which is navigable for two hundred and fifty miles and requires but a small improvement. This sum is recommended in the revised estimates and is the only sum appropriated for the improvement of any rivers in the State of Missouri except the Missouri River itself and the Mississippi. I do hope the amendment will not be sustained.

The amendment was rejected.

The next amendment of the Committee on Commerce was in the appropriation for continuing the improvement of the Mississippi River between the mouths of the Ohio and Missouri Rivers, in line 146, to strike out "Missouri" and insert "Illinois," and after the word "dollars," in line 147, to insert the words "and \$15,000 of said amount shall be expended between the mouths of the Missouri and Illinois Rivers."

The amendment was agreed to.

The next amendment was after line 184 to insert the following clause:

For removing obstructions in the Choctawhatchie River, Alabama and Florida, \$5,000.

The amendment was agreed to.

The next amendment was after line 190 to insert the following clause:

For the improvement of the Chattahoochee and Flint Rivers, Georgia, \$25,000.

The amendment was agreed to.

The next amendment was after line 196 to insert the following clause:

For the improvement of the Apalachicola River, Florida, \$10,000.

The amendment was agreed to.

The next amendment was after line 200 to insert the following clause:

For the improvement of Chester River, at Kent Island Narrows, Maryland, \$5,000.

The amendment was agreed to.

The next amendment was after line 204 to insert the following clause:

For the improvement of Elk River, Maryland, \$5,000.

The amendment was agreed to.

Mr. JOHNSTON. I desire to offer an amendment to the clause in regard to continuing the improvement of the James River; but I presume I had better let the committee's amendments be first acted upon.

The PRESIDING OFFICER. The amendments of the committee will be acted upon first.

The next amendment of the Committee on Commerce was after line 229 to insert the following clause:

For the removal of obstructions in the harbor and the construction of a pier at New Castle, Delaware, \$10,000.

The amendment was agreed to.

The next amendment was after line 234 to insert the following clause:

For continuing United States pier in Delaware Bay, near Lewes, Delaware, \$10,000.

The amendment was agreed to.

The next amendment was in line 249 to strike out the words "and Harlem Rivers" and to insert the word "river;" so that the clause will read:

For continuing the improvement by removing obstructions in the East River, at or near Hell Gate, \$225,000.

The amendment was agreed to.

The next amendment was after line 256 to insert the following clause:

For the improvement of the harbor at Fall River, Massachusetts, \$10,000.

The amendment was agreed to.

The next amendment was in line 262 to increase the appropriation for continuing the improvement of the harbor at Newport, Rhode Island, from \$5,000 to \$10,000.

The amendment was agreed to.

The next amendment was after line 276 to insert the following clause:

For the improvement of the harbor at Milford, Connecticut, \$5,000.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill down to and read the following clause:

For removing wrecks and rocks off the harbor of San Francisco, California, \$25,000.

Mr. SARGENT. I wish to offer an amendment at this point. Is it by order of the Senate that the amendments of the committee are first acted on?

The PRESIDING OFFICER. That is the practice of the Senate.

Mr. SARGENT. I believe it is in order for me to offer an amendment.

The PRESIDING OFFICER. It has been the custom of the Senate to act on the committee's amendments first and take up other amendments afterward.

Mr. SARGENT. I should like to offer an amendment to the first section, but I will reserve it.

The PRESIDING OFFICER. The Senator will have an opportunity after the committee's amendments are acted upon.

The next amendment of the Committee on Commerce was in lines 319 and 320 to strike out the words "for examinations and surveys of rivers and harbors, and," and in line 321 to strike out "\$75,000" and insert "\$25,000;" so as to make the clause read:

For incidental repairs of harbors for which there is no special appropriation, \$25,000.

Mr. DAVIS. That amendment strikes out all the surveys that are

contained in the bill. The bill as it came from the House appropriated \$75,000 for the examination and survey of different rivers and harbors. The committee propose to reduce the appropriation to \$25,000 instead of \$75,000 as it is now. If the amendment prevails, no other surveys will be ordered.

Mr. SARGENT. Then they strike out the whole of the second section providing for examinations and surveys.

Mr. DAVIS. I understand that. I have stated the effect of the pending amendment, but as there was a good deal of noise in the Chamber, perhaps I was not heard. I see the Senator from Michigan [Mr. CHANDLER] hold his hand to his ear as if he wanted to hear what I have to say, and I wish him to hear me.

The pending amendment proposes to reduce the appropriation for examinations and surveys of rivers and harbors from \$75,000 to \$25,000. This is followed by an amendment striking out the second section, which contains all the surveys ordered by the House. Some of them perhaps may be unnecessary; that I know nothing of; but in that section there are some very important surveys provided for, surveys which I know personally are of the highest importance. The result will be to prevent all surveys of rivers and harbors. It is a blow at the whole system. Further than that, as I understand, appropriations hereafter can only be made after surveys by the Government, and if we make no surveys, no appropriations can be made hereafter. I believe I am right in that. The surveys of the Northwest, and perhaps of the North and much of the other portions of the country, have already been made. Unless these surveys are ordered, many of which are of important rivers, although some of them may be unimportant, no appropriation can be had in the future for them. I therefore hope the amendment will not be agreed to.

Mr. CHANDLER. There are a very large number of surveys in the second section, unquestionably some of them very important, and others unimportant. The House will undoubtedly non-concur in our amendments and ask for a committee of conference, and in that committee of conference the more important surveys will no doubt be retained. Heretofore we have ordered some surveys which ought never to have been made, surveys of small creeks and small streams. In one instance, I think, we ordered the survey of a creek that had but eight inches of water and was about eight feet wide. It was simply ridiculous. Nobody knew anything about it; but it was inserted, and the Government engineers went to survey this little creek with about eight inches of water and eight feet wide. If the Senate shall see fit to stand by the committee in its recommendations the more important surveys, surveys that are really important, will undoubtedly be put in by a committee of conference. If the Senator has any surveys he desires to have made I will accept them before the section is stricken out, which will bring them before the committee of conference.

Mr. RAMSEY. Will the Senator then accept an amendment on page 15, after line 22, to insert "Red River of the North from Breckenridge to Moorhead?" I will furnish it to the Senator.

Mr. CHANDLER. Certainly, I will accept that.

Mr. HAGER. Will the Senator accept an amendment for the Sacramento and Feather Rivers, in California?

Mr. CHANDLER. Certainly, if the Senator will prepare it.

Mr. HAGER. It will be found in lines 31 and 32 of the second section.

Mr. CHANDLER. The Senator from Kentucky had a survey that he desired to have inserted, which I will accept.

Mr. KELLY. I am altogether opposed to striking out any part of this sum. I think that every survey that is contemplated in the second section ought to be made. It is a well established fact that Congress will make no appropriation for the improvement of any river or harbor until a survey is made by some competent authority of the United States. Now, if section 2, which follows this clause, should be stricken out, of course we can expect no appropriations whatever for any work mentioned in it.

Mr. CHANDLER. Of course enough of section 2 will be restored to carry out any surveys that may be agreed upon in the committee of conference.

Mr. KELLY. I wish to say a few words in relation to those surveys proposed to be stricken out in section 2 so far as Oregon is concerned. I will refer to that section because it is affected by this proposed amendment. First is the survey of the "Cascades and Dalles of the Columbia River, Oregon and Washington Territory." That is an important matter. At the Cascades there is an obstruction in the navigation of about three miles. If that were surveyed and, as the people there think, an improvement made by canal and locks, it would open the river from the sea to east of the Cascade Mountains. It is now obstructed at that place, and the people, through the Legislatures of Oregon and Washington Territory and Idaho, have asked for an appropriation that that survey may be made. It is of very great importance to us.

Then there are three others: the Skagit River, the Snohomish River, and the Chehalis River. I speak now in behalf of the people of Washington Territory who have no representative here. They desire that those surveys should be made by some competent authority of the United States.

While I am on my feet, I will refer to an item on page 15, line 28:

Snake River, Idaho, from Shoshonee Falls to Lewiston, examination and estimates for removing boulders and other obstructions.

That river is the boundary between Oregon and Idaho, and it is thought by many people in Idaho that if the obstructions there were removed and those at the Cascades and the Dalles, there could be a continuous line of navigation from the sea to within one hundred and fifty or two hundred miles of Salt Lake Valley. I say it is important that these surveys should be made, so that we may know in some future year, perhaps next year, whether an appropriation ought to be made. Therefore, so far as Washington Territory and Idaho Territory and the State of Oregon are concerned, I do hope the amendment will not be concurred in. Other gentlemen can speak for their own localities.

Mr. WASHBURN. I ask to offer an amendment to come in after the third line on the fourteenth page:

New Bedford Harbor, Massachusetts.

I believe the chairman of the committee proposed to accept that.

Mr. CHANDLER. I will accept it.

Mr. WASHBURN. I wish to say one word in reference to that amendment.

The PRESIDING OFFICER. Is this an amendment to the amendment of the committee, or is it an original amendment?

Mr. WASHBURN. It is an original amendment.

The PRESIDING OFFICER. The custom has been to act upon amendments reported by the committee in charge of the bill before other amendments are proposed. The Chair has refused to entertain other amendments, and to preserve the custom of the Senate and the consistency of the Chair he will be compelled to follow that practice.

Mr. WASHBURN. If the President understands the question, this is an amendment to the section which the committee propose to strike out, and which amendment the committee propose to have offered before the section is stricken out.

The PRESIDING OFFICER. The Senate have not reached the point where the Senator proposes to make his amendment. He will wait until that point is reached. The question is on the pending amendment of the Committee on Commerce.

Mr. BOGY. What amendment is before the Senate?

The PRESIDING OFFICER. The Secretary will report the amendment.

The CHIEF CLERK. On page 14, lines 319 and 320, the committee report to strike out these words: "for the examinations and surveys of rivers and harbors, and," and in line 321 to strike out "75" and insert "25;" so that the clause will read:

For incidental repairs at harbors for which there is no special appropriation, \$25,000.

Mr. BOGY. I hope the amendment will not be adopted. I think it presents a question of very great importance. The time has come when the rivers of the interior country must be examined by scientific men and the facts developed by those examinations laid before Congress that they may legislate knowingly and intelligently on the subject. To reduce this sum to \$25,000 and to provide that it shall be used only for incidental repairs of harbors for which there is no special appropriation, is destroying the object which the House of Representatives had in view in appropriating \$75,000 for examinations and surveys of rivers for which there are no special appropriations. It is of the greatest importance that the rivers of the interior of the country, those great outlets and means of transportation by which the vast wealth of the interior of the continent can reach the ocean, should be examined, and the amount of \$75,000 is very small for that object. The harbors spoken of here are harbors on the ocean and the lakes principally.

In addition to that, we have a commerce in the interior of the country which is growing with enormous rapidity, and it becomes the duty of Congress to legislate with a view to that vast and rapidly growing commerce in the West. An examination of these rivers is of the very greatest importance. I hope, therefore, the amendment will not be adopted, but that the appropriation will remain as it passed the House, at \$75,000, for examinations and surveys of rivers, as well as for incidental repairs to harbors.

Mr. HAGER. I agree with the Senator from Missouri in regard to the expediency and the necessity of retaining the section proposed to be stricken out, so far at least as the Sacramento River below Tehama and the Feather River below Marysville, California, are concerned. I will state that the Sacramento River traverses the Sacramento Valley, and I do not know that a dollar has ever been expended upon that river by the Government hitherto. It has all been done by private enterprise at the expense of private individuals to keep that river open. The whole expenditure upon the coast of California, which is far more extensive than that of the State of Michigan which the Senator has referred to, is \$25,000. For that whole coast, from Oregon down to Mexico, the appropriation in this bill is the insignificant sum of \$25,000 to remove a wreck in the harbor of San Francisco. After a struggle this clause was inserted in the House to obtain a survey of the Sacramento River from Tehama down, and of the Feather River from Marysville down, being navigable streams, and it is, I believe, the first attempt to improve those rivers by the order of the Government.

Mr. SARGENT. My colleague will also find a survey provided for of the San Joaquin River below Stockton, a great channel of commerce, in line 50, on the next page—

Mr. HAGER. I was going to see if the San Joaquin was in.

Mr. SARGENT. Yes, sir; it will be found in line 51, page 16.

Mr. HAGER. That river traverses the other valley running south. The principal portion of the arable lands of the State of California is the valley of the Sacramento and the valley of the San Joaquin, both of these rivers being navigable, and being necessary for the transportation of the agricultural products from the head of each valley to tide-water. Now it is proposed to obtain merely a survey in regard to the improvement of these rivers. Several hundred thousand dollars have hitherto been expended on the Sacramento River by the steam-navigation companies, and by private enterprise entirely. I hope this small effort to obtain some assistance for the navigable streams in California will not be stricken out, especially as we have but \$25,000 for that whole Pacific coast appropriated in this bill. I propose to offer an amendment for an increase in regard to other harbors.

I merely wish to make another remark. I find on page 1 of this bill this clause:

For continuing the improvement of the harbor at Ontonagon, \$23,000.

I ask for information why that is there, after it has been withdrawn by the Department in the revised estimates which I hold in my hand, page 22?

Mr. CHANDLER. It was restored at the request of the board of engineers; and I hold their recommendation in my hand, which was sent, and very urgently sent, to the Committee on Commerce in the other House. Here is the recommendation.

Mr. HAGER. Then the Senator will thank me for giving him the opportunity of stating that.

Mr. CHANDLER. Certainly; I do very much.

Mr. MITCHELL. I desire to say a few words in reference to this matter. I shall oppose the amendment proposed by the Committee on Commerce by which they propose to strike out "seventy-five," in line 32, on page 14, and insert "twenty-five." I shall also oppose the proposed amendment to strike out the whole of section 2 of the bill, and for the reasons which I will state. It is substantially conceded by the chairman of the Committee on Commerce that there are surveys proposed by this section that are meritorious and that should be retained in this bill; but it is said by the honorable chairman that they may be retained by a committee of conference. Now, sir, I do not propose, so far as my action is concerned, to take the chances of a committee of conference in regard to a matter that is conceded to be right, in regard to surveys that ought to be retained in this bill, and which the chairman of the Committee on Commerce concedes should be retained in it. I have seen enough of the action of committees of conference in the short time I have been here to satisfy me that it is not very safe to trust to their action in regard to matters of this kind; and therefore I propose that what is right shall be retained now by the Senate.

The first survey contained in section 2, which has been stricken out by the Committee on Commerce, relates to the survey of the Cascades and Dalles to the Columbia River, Oregon, and Washington Territory. It may be that there are certain surveys provided for in this section that ought to be stricken out. If that is so, then it appears to me that that was the duty of the Committee on Commerce, and before reporting the bill they should have stricken out the proposed surveys that have no merit and retained those that have merit.

Now, sir, in regard to the survey of the Columbia River, I desire to offer this suggestion: A great cry is made here to-day by the representatives from the Mississippi Valley about the want of cheap transportation. They are paying I presume at the rate of but a little less than one cent per ton per mile, for getting their produce from Chicago to New York, for instance. I do not deny the justice of their complaint, but I desire to draw a comparison for a moment between the charges paid by the producer in the great Mississippi Valley and the charges imposed upon the producer in Oregon, Washington Territory, and Idaho. The Willamette River is no mere creek, as it was designated by the Senator from New York [Mr. CONKLING] the other day. We are sending out to-day from the port of Portland on this "creek," so designated by the Senator from New York, over one hundred and fifty ship-loads of wheat the present year. We are paying to-day for transportation from Portland to Umatilla, a distance of two hundred miles, a freight charge of twenty-five dollars a ton. This is at the rate of twelve and a half cents per ton per mile. How does that compare with the charges imposed upon the people of the Mississippi Valley of one cent, in fact less than one cent per ton per mile that they are now paying? Nine and six-tenths mills is about the average cost of water transportation between Chicago and New York, while by rail it is a little over one cent, twelve and one-tenth mills; whereas the people of Oregon and Washington Territory are paying for transportation on their freight on the great Columbia River at the rate that I have stated, namely, twelve and a half cents per ton per mile, and that in gold coin.

Sir, this bill as reported by the Committee on Commerce proposes to give in all for the improvement of the Columbia and Willamette Rivers, how much? About \$47,000 all told, less than 50 per cent. of the whole sum contained in the estimates for that service. If there is any one thing that the people of the North Pacific coast are united upon, it is on opening up the commerce of the Columbia River; it is in favor of immediate surveys of the portages at the Dalles and the Cascades of the Columbia River, and estimates made in order that

the Government may be informed in regard to the practicability of constructing dams and locks, and in regard to the cost of such improvements. Therefore I object to striking out the whole section containing proposed improvements so meritorious as this one is, simply because there may possibly be certain proposed improvements contained in the section that have no merit.

A survey is asked here of the Snake River, extending on up to Idaho, so as to connect the waters of the Columbia River with the point where the North Pacific Railroad will strike the waters of that river. A small appropriation is asked for the survey of that river. That has been stricken out, and yet it is a matter of vital importance to the people of the North Pacific coast, and a matter that will cost comparatively but a small sum, as has been stated by my colleague. The Legislatures of Oregon, of Idaho, and of Washington Territory have been unanimous in their demand for a survey and estimates at the Cascades and Dalles of the Columbia River. It seems to me it would be doing that portion of our country a very great injustice to refuse them the small favor they ask, of having a survey made, which at most can cost but a very small sum, in order that the Engineer Department of the Government may be advised with reference to the practicability and cost of these proposed improvements.

I do not desire to detain the Senate, but I insist that the amendment proposed by the Committee on Commerce in reference to this whole section should be voted down and the section retained.

Mr. CHANDLER. The Committee on Commerce recommended the striking out of the whole section for the reason, that the recommendations and papers on which this section was put in were not before the Committee on Commerce. The committee were aware that there were some surveys which ought to be made. Undoubtedly those to which the Senator from Oregon alludes ought to be made; but in regard to appropriations for Oregon every dollar that was recommended either in the original or the revised estimates of the engineers has been appropriated.

Mr. MITCHELL. I beg pardon. The Senator must be wrong.

Mr. CHANDLER. I have the papers before me, and I say that in every instance the revised and original estimates have been followed in regard to Oregon, and I believe that is the only instance where that has been done in any of the appropriations before the Committee on Commerce.

Mr. MITCHELL. What is the estimate for the Upper Columbia River?

Mr. CHANDLER. The original estimate was \$20,000; the revised estimate \$20,000; and the appropriation is \$20,000.

Mr. MITCHELL. What does the report of the Chief of Engineers say?

Mr. CHANDLER. I have it before me.

Mr. MITCHELL. I read from page 1122 of the report of the Chief of Engineers:

The following is a statement of the moneys expended and available for this improvement during the fiscal year—

Speaking in reference to the improvement of the Upper Columbia River—

| | |
|-----------------------------|-------------|
| Available July 1, 1872..... | \$50,000 00 |
|-----------------------------|-------------|

That was the appropriation made in 1872. There was no appropriation made for the present fiscal year; and the Chief of Engineers is now speaking in reference to the appropriation made in 1872, and the improvement made in pursuance of that appropriation, and he says:

| | |
|---|-----------------|
| Expended— | |
| Removal of rocks..... | \$19,296 69 |
| Superintendence, office expenses, &c..... | 2,488 98 |
| | <hr/> 21,785 67 |

| | |
|--|-----------|
| Balance on hand June 30, 1873..... | 28,214 33 |
| Amount required for fiscal year 1874-75..... | 50,000 00 |

That is what the Chief of Engineers says in regard to it, that the amount required for the next fiscal year, not the present fiscal year, is \$50,000.

The amount asked for the next fiscal year will be applied to the improvement of Homly Rapid, and such other work as may tend eventually to put the rest of the river, from the Dalles to the crossing of the North Pacific Railroad, (near Snake River,) in the same condition for navigation as the John Day, Umatilla, and Devil's Bend will be when the present contract is finished.

Next, in reference to the estimates for the Upper Willamette River, the amount allowed by the House and also reported by the Committee on Commerce of the Senate is \$7,500. I will read what the engineer says in relation to that.

Mr. CHANDLER. If the Senator will pardon me, he is reading from the report of the local engineers, while I am reading from the report of the Chief of Engineers, as submitted by the President at the opening of the session. We are reading from entirely different documents.

Mr. WEST. There is no particular question in the amendment that concerns my locality, but I think the Senate ought to understand in general terms what the proposition of the committee is. This bill as it comes from the House includes an appropriation of \$75,000 for the surveys of the various water-channels of the country embraced within twenty-six States and Territories of the Union. Therefore twenty-six States and Territories are interested in having these surveys pros-

ecuted. The amount appropriated for this purpose last year was \$200,000.

Mr. CHANDLER. One hundred and twenty-five thousand dollars.

Mr. WEST. One hundred and twenty-five thousand dollars last year. The Senator is correct. I meant to say that \$200,000 was asked for this year. Two hundred thousand dollars was asked for, and the House of Representatives have given \$75,000, or \$3,000 to each State and Territory, averaging it, to be distributed throughout this whole Union in the prosecution of the surveys of the water courses of the country. Has anything more penurious been recommended by any committee than to reduce that down to \$1,000 per State and Territory? I do not think when the Senate understand it they will accede to any such proposition.

Mr. DAVIS. Let me correct my friend from Louisiana. The committee's amendment proposes to give nothing whatever to any State for surveys; and if the amendment be adopted no survey can be made in any State.

Mr. WEST. That is so, I see, except for repairs. Now, with the experience we have had appropriating here year after year hundreds of thousands of dollars for this purpose, when the Department ask for \$200,000, it is penurious and poor economy to restrict it to merely \$25,000 for repairs. I am convinced when the Senate understand the matter they will vote it down.

Mr. WRIGHT. I wish to make an appeal to the Senate. I sought immediately after the close of the morning hour to call up the conference report on the currency bill. The Senator from Vermont [Mr. EDMUNDS] expressed a wish to look at the report, and said he would be willing to take it up at the end of an hour. I find myself quite indisposed, and yet exceedingly anxious to get the conference report out of the way. I am also expecting every moment to be called off upon another conference committee. I have no wish to say one word in reference to this report, but I trust the Senate will by unanimous consent let us dispose of it and get it out of the way. I ask therefore unanimous consent that the conference report on House bill No. 1572 be taken up. I do not want to say a word on the subject, and I hope the vote will be taken at once so that we get it out of the way.

The PRESIDING OFFICER. Is there objection to proceeding to the consideration of the conference report on House bill No. 1572? The Chair hears none, and it is before the Senate.

Mr. DAVIS. Subject to call for the river and harbor bill if it shall lead to debate?

Mr. WRIGHT. Certainly.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had concurred in the resolution of the Senate authorizing Spencer F. Baird, United States Commissioner of Fish and Fisheries, to have the engravings for his report executed under the direction of the Joint Committee on Public Printing.

The message also announced that the House had passed the following bills:

A bill (S. No. 954) prohibiting the publication of the revised statutes of the United States in the newspapers at the expense of the United States; and

A bill (S. No. 110) for the relief of the East Tennessee University.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

A bill (H. R. No. 3477) for the relief of Nelson Tiffany;

A bill (H. R. No. 3761) directing the Secretary of the Treasury to report upon the necessity of a public building at the city of Auburn, New York;

A bill (H. R. No. 3762) to amend the act entitled "An act for the erection of a public building for the use of the United States in Atlanta, Georgia;"

A joint resolution (H. R. No. 112) directing the Public Printer to keep an account of all expenditures for printing, mailing, and binding the CONGRESSIONAL RECORD, &c.; and

A joint resolution (H. R. No. 113) making an appropriation for the purchase and restoration to the family of the Marquis de La Fayette of the watch presented to him by General Washington.

The message further announced that the House had passed a concurrent resolution for the printing of three thousand copies of the statistical atlas of the United States based on the results of the ninth census, now being compiled by Francis A. Walker.

The message also announced that the House had passed a concurrent resolution for the printing of twenty thousand copies of the Report of the Commissioner of Education; a concurrent resolution for the printing of six thousand copies of the report, with appendix and evidence, of the Select Committee of the Senate on Transportation Routes to the Sea-board; and a concurrent resolution for the printing of the report of R. W. Raymond on mining statistics, with the accompanying engravings; in which the concurrence of the Senate was requested.

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. 176) to encourage the establishment of public marine schools;

A bill (S. No. 311) for the relief of Joseph Montanari;
 A bill (S. No. 595) for the relief of Benjamin Cooley and James W. Boswell;
 A bill (H. R. No. 526) for the relief of James De Long;
 A bill (H. R. No. 1206) for the relief of Charles J. Sands, of Brooklyn, New York;
 A bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes;
 A bill (H. R. No. 2398) granting a medal to John Horn, jr., for his heroic exploits in rescuing men, women, and children from drowning in Detroit River;
 A bill (H. R. No. 2292) for the relief of William Walker;
 A bill (H. R. No. 2694) for the relief of Benjamin W. Reynolds;
 A bill (H. R. No. 2898) for the relief of J. & W. R. Wing, of New Bedford, Massachusetts;
 A bill (H. R. No. 3166) to correct the date of commission of certain officers of the Army;
 A bill (H. R. No. 3171) to amend the customs-revenue laws and to repeal moiety; and
 A bill (H. R. No. 3585) to authorize the construction of a bridge across the Mississippi River at or near the city of La Crosse, in the State of Wisconsin.

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. 228) for the relief of Bigler, Young & Co.; and
 An act (S. No. 571) to authorize the Baltimore and Ohio Railroad Company to construct a branch and to change the location of its road within the District of Columbia, and for other purposes.

THE CURRENCY—BANKING.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The conference report on the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes, is before the Senate.

Mr. FLANAGAN. If no other Senator is disposed to present any opposition to this measure it is very unnecessary for me to do so; but my opinion is, candidly, with all deference to my friend from Iowa and the committee, that it would have been better for this report to have slept for all time to come. It begins in nothing as I conceive, and ends most beautifully likewise. If there is beginning or end to it I have not been able to find it. I suppose this is the action of the Congress of the United States after having been six months earnestly and closely engaged in endeavoring to do something toward the resumption of specie payments, a subject that at last has been studiously, ingeniously, and well avoided, for it is ignored in every sense of the word. If that is what this nation wants on the subject of finance, it is peculiarly successful under this report. It is merely in my opinion the first direct step to repudiation. It is nothing else; surely it is nothing more, for in it the idea of specie resumption at any day, either direct or remote, is not alluded to, if I recollect the reading correctly.

Now, sir, I think much better would it have been if this matter were permitted to pass quietly, no action being taken by Congress, but admitting to the world frankly and without equivocation that the Congress of the United States were not able to grapple with the great subject, for most assuredly, as I have remarked, this is an unqualified failure. It does nothing one way or the other, as I conceive, except to try to satisfy to some extent particular States who claim they have not been fairly dealt by in the distribution of facilities for organizing national banks.

Under this bill I have no hesitancy in saying here that \$20,000,000 in the next current year will not be removed from the North for banking purposes West. I have no objection, so far as I am concerned, that every dollar of it shall be removed; but there will be no demand for it, as I conceive, to the amount contemplated here. I interpose no objection whatever; but that is the only boon that I can perceive will be realized, if that should be, and I have no idea that it will be. Time will certainly demonstrate who is correct on that branch of the subject.

But instead of meeting this great question as it deserves to be met, everything tending to a resumption of specie payments is directly ignored for the present. Soregarding it, and looking at the action upon this subject for months past, and invoking the history, if you please, not only of this nation from its earliest day to the present hour, but the history of the world, I am justified in holding that we shall get further and further from resumption. Certainly it is not contemplated in this report, and I for one regret that the report has ever found its way to Congress.

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

Mr. FLANAGAN. I ask for the yeas and nays on this document.

The yeas and nays were ordered.

Mr. EDMUNDS. This report, as far as it provides for the redistribution of banking facilities, I am entirely satisfied with, as we have often voted in the Senate and have said over and over again. The chief objection that I have to the report is that it abolishes the re-

serve that the banks have hitherto been obliged to keep. Inasmuch as in my brief experience I never knew a bank that could honestly keep itself above water without keeping a reserve to meet the demands in panics and sudden runs upon it, I think the provision in this report which provides for abolishing all reserves is a very dangerous and improper one. You may say that all prudent bankers will keep reserves. So they will; but all prudent bankers, like prudent Senators, are sometimes tempted by persuasion to do things which if they were left entirely to themselves they would not do. And then there is another class of banks probably in this country, those who may be classed as not prudent bankers, those in respect to whom (as you have as to all banks, speaking largely) you must provide limitations and restraints by law. I think this the first time in the history of legislation respecting banks in any well-ordered community, as the United States is, where under any system of banking like this or any other that we have had, that it was proposed by law to provide in terms that no bank shall be obliged to keep a reserve to meet sudden runs upon it. Now to keep 15 per cent. of the deposits, for that is what I believe the country banks have to keep, merely to stand a run on deposits, is in a panic nothing at all; your 15 per cent. of deposits would be run out before the first half of the first day if a run on a bank took place.

I think that we shall make a great mistake when we authorize the banks of the United States to loan all the money that they have of capital paid in and of deposits made, excepting the 15 per cent. of the deposits which is to be reserved for the purpose of paying deposits. So far as the presentation of bills for redemption is concerned, as distinguished by a run by depositors, there probably is not any very great danger, because the bonds of the United States, with a reasonable credit to the Government, are sufficient for that, although the bill-holders would be embarrassed if half the banks of the United States should refuse to pay all at once. It would force bonds of the United States upon the market to such an extent that it is altogether doubtful whether the security would be good even then.

But, passing that, it does appear to me (and I should be glad to have my honorable friend from Iowa explain because he may convince me that he is right) that it is most unsound in principle and most dangerous in practice for the future to authorize these institutions, which we hold out to the people as existing under Government authority and entitled to credit, to loan all the resources that they have of every description down to 15 per cent. of their deposits, because I fear it will turn out, as I think human experience has shown it has generally turned out, that wherever a stress comes and people run for their deposits, as they always do in a panic, half the banks in the country will break for the reason that the law has allowed them to strip themselves under the pressure for discounts of all their means to meet a run. I do not see that it is a sufficient answer to that to say that prudent banking would not be conducted upon such a principle, that prudent bankers would not loan all the money they had down to 15 per cent. of their deposits.

Of course, in a prosperous state of the country, with a flowing tide, and with no breakdown, no panic, no sudden emergency which disturbs the operations of trade and commerce, it is of no consequence. So we may say that no limitation is of any consequence when the millennium comes; but we know, if the world goes on as it has gone, that there will be once in twenty years at the furthest a time when, from natural causes, not affected by legislation, not remediable by legislation, there will be a sudden depression of enterprise, of trade, of commerce, of industry, of all the business operations of the country; there will be a panic, in short, or a crisis, or a bankruptcy, call it what you will according to degree, and then there will be a sudden demand coming with the rapidity of a summer shower or a gust that will require from every bank in the country the withdrawal of the deposits that have been made in it; and then this bank instead of being fortified as it is now by holding this percentage of all its resources, will have only, if it holds up to that, the 15 per cent. of its deposits; and the result will be, as anybody can see, that on every such occasion one-half of the banks at least in the country will go to protest on the first day. Of course nobody will maintain that that would be an advantage to the business of the country. Nobody will maintain that a bank ought to be allowed to lend money to such an extent that it cannot stand a run when some sudden pressure shall be brought to bear at a time when people, to meet their engagements, need the money which they have on deposit and which has been loaned out to somebody for other speculations. Sound banking cannot go on in that way; and therefore it is that it appears to me that we ought to consider at least the grounds upon which this report stands in the respect to which I have alluded.

I do not know, after all we have done, that I can have any expectation that this report will not be adopted. Of course it presents entirely different questions from those which we have considered hitherto. They are not questions which affect one section of the country more than another, as anybody may suppose; but there is now presented, separate from other questions that have so divided us, this simple question of business as it respects the safety of a principle of banking carried on under the authority of the Government. If there is any explanation which my honorable friend from Iowa can make to us, as it may be there is—he is a much greater financier than I am in proportion to our respective capitals—then I should be glad to hear it. But it does appear to me, as I have said, that we shall make a

great mistake for the protection of the business interests of this country and of the people who deposit their little savings and earnings in banks, if we allow a bank to loan out all of its capital, and all of its deposits save 15 per cent. of its deposits, (if that is the amount as to the country banks,) and thus put ourselves in an attitude where in a pressure the banks cannot pay back again to the depositors at once the money they have received. I should be very glad indeed to hear my friend from Iowa explain the grounds of this report.

Mr. WRIGHT. I have but one word to say in that connection. The section in the report as it stands is precisely as it passed the House and passed the Senate, and has been agreed to by both Houses.

Mr. EDMUNDS. But has not been brought under discussion.

Mr. WRIGHT. There never has been any question raised on this part of the bill before. It seemed to be agreed to on all hands to this day to be a proper provision to release the reserve on circulation and retain the reserve on deposits. The reason for it was that so far as the security of the bill-holders was concerned there was ample security in the bonds here deposited, and that in case of a panic the reserve that is provided for circulation would amount to nothing in the world; and not only so but every good banker, every safe banker, would provide for his reserve judiciously without any provision of this kind. Therefore it was agreed on all hands that it was best to leave out the reserve on circulation. That point was discussed more than once here in the Senate and the whole ground gone over.

I do not propose to go into the matter at all. I am only anxious to have a vote and let the Senate dispose of this bill and get it out of the way.

Mr. SHERMAN. If the yeas and nays had not been called for, I should not have said one word on this question; nor do I intend to say anything except to reply to one or two observations of the Senator from Vermont. As to the last three sections of this bill, as I understand, they are precisely similar to the bill for the redistribution of the banking circulation reported early in the session from the Committee on Finance. I do not see any variation.

Mr. WRIGHT. Except in the amount.

Mr. SHERMAN. Yes, instead of \$25,000,000 the committee of conference insert \$55,000,000. I call the attention of the Senator from Vermont and other Senators to the sixth section of this bill:

That the amount of United States notes outstanding and to be used as a part of the circulating medium shall not exceed the sum of \$382,000,000, which said sum shall appear in each monthly statement of the public debt, and no part thereof shall be held or used as a reserve.

I regard this section as chiefly beneficial as forever repealing the fictitious idea of a legal reserve. There is not one word in any law of the United States which implies that any portion of the \$400,000,000 shall be held as a reserve. That is merely a mythical creation of the Treasury Department for the purpose of keeping up the notes which had been canceled.

Mr. EDMUNDS. That was not a point to which I spoke at all.

Mr. SHERMAN. I know that. This, however, will not prevent the accumulation of a necessary working balance. The Senator from Iowa understands that. The Secretary of the Treasury sometimes may have a balance of \$2,000,000, and sometimes \$20,000,000. This does not interfere with that in the slightest degree.

Mr. SARGENT. Allow me to ask a question on that point. Suppose a panic comes on, as before, when there is a Treasury balance of \$13,000,000, how would the Secretary of the Treasury in view of this law stand up against a clamor to put that money out of the Treasury which it was insisted was reserved? He would be asked, "Why are you holding it?" They would insist it should go out either for the purchase of bonds or in other methods. It is made unlawful for him to hold it, so when it is proper to hold it to guard the Treasury, the Treasury would soon be out of funds, as it would have been during the last panic under any such provision.

Mr. SHERMAN. As a matter of course if the Secretary of the Treasury has \$15,000,000, or whatever may be a necessary working balance, he will be governed in paying out that money according to the exigencies of the Treasury Department and not according to the clamor of speculators if he performs his duty as this bill contemplates that he shall. I simply wished to call the attention of the Senate to the fact that although the maximum is fixed at \$382,000,000, in this currency bill there is no provision allowing additional United States notes.

Mr. SARGENT. Will the Senator show me any language in this or any other law that allows him to accumulate a working balance, if this provision stands that there shall be no reserve?

Mr. SHERMAN. It says that "no part thereof shall be held as reserve." "Reserve" is a technical name of an amount of money applied for a specific purpose, but a working balance is an amount of money useful for all purposes. That is the difference. "Reserve" is a technical name which was applied first to the \$50,000,000 reserved under the law of 1864, and afterward to the mythical reserve created by the Treasury Department as a matter of book-keeping.

Now in regard to the second and third sections—and here I want the attention of the Senator from Vermont—it is true that the second section does abolish the reserve on circulation, and there never was any reason for that reserve originally because the security of the bonds was more than sufficient to secure the redemption of the notes; and it has been recommended by the Secretary of the Treasury at different times, according to my recollection, and at any rate there

has been a general demand that the reserve on circulation should be abolished. The committee of conference have in the third section provided a fixed, operative, and strong mode of redeeming national-bank notes. Any holder of national-bank bills may present them at any time at the Treasury and demand United States notes. The provisions of the third section are amply sufficient, in my judgment, to provide for the redemption of the national-bank notes. There can be no question of it. And in my judgment—I record it here rather as a prophecy for the future than as an argument to the Senate—this 5 per cent. reserve will be more difficult to be maintained by the banks than the mere loss of the 15 per cent. reserve, three-fifths of which could be deposited in New York, and only two-fifths of which was required to be retained in the bank. In the third section there is a provision made by which the banks will be compelled to keep themselves strong enough in order not only to maintain the 5 per cent. in the Treasury, but in order to respond at all times to the demand of the Treasury for money to maintain this reserve of 5 per cent.

There is nothing in this bill that has not received the sanction of both Houses, taken separately. There is nothing in this bill to which I think any Senator ought to object, and I was in hopes that every Senator would vote for this report without objection. The question of the increase of paper money, either in the form of greenbacks or bank-notes, is postponed. The question of the resumption of specie payments is postponed. There is no time fixed and no provision here made for the resumption of specie payments. All that this bill does is to modify slightly the reserve of the national banks, to make a practical provision for the redemption of bank-notes, and to provide for a redistribution of bank circulation. Every one of these objects, it seems to me, ought to meet the concurrence of the Senate by a unanimous vote, and I was in hopes the report would pass without a division.

Mr. SARGENT. I think this bill is very much better than any other one that we have had up heretofore with a prospect of passage. Nevertheless it seems to me that there are some infelicities in the bill which it is to be regretted are not eliminated from it and that there is now no opportunity to do so.

I certainly cannot vote for the bill with my understanding of the sixth section. There is, as the Senator from Ohio remarked, no law defining what a reserve is, so that the word "reserve" may just as well be applied to a working balance as to an amount in dispute between the Treasury Department and the Congress of the United States as to the sum which shall be outstanding of United States notes.

Mr. SHERMAN. If I stated that there was no law defining the meaning of "reserve," I stated it too strongly. There is one definition, the only definition on the statute-book of a reserve of United States notes, and that is the reserve defined by the act of 1864, which provides that in excess of the four hundred millions there may be a reserve of fifty millions which shall be used only for the purpose of paying the floating indebtedness or accruing indebtedness, and shall be used for no other purpose, and shall be retired and canceled when the debt for which it is reserved is discharged.

Mr. SARGENT. The Senator is entirely correct in reference to that, but that relates to a past age, a past condition of things. There is now no amount of \$400,000,000 of United States notes and no \$50,000,000 beyond that authorized by any existing law; so that there is now no law on the statute-book, as the Senator remarked before, and certainly remarked accurately, defining what is meant by a reserve; and the only thing this section can take hold of in the way of reserve is the working balance which it may be desirable to retain in the Treasury for the very purpose of meeting floating indebtedness.

The object of making this appear in each monthly statement of the public debt is to see that the Treasury is kept bare, that the \$382,000,000 of money are kept out and do not come in there to be held as a reserve or a working balance; and under that condition of things the Treasury is liable to go to protest any day in the year, and most especially is the Secretary of the Treasury liable to solicitation, to pressure, to complaint, to clamor, which it is difficult for any man to resist in the time of a panic when there are representations made to him and to the President of the United States pressing upon them that an emission of a few more millions of money will tide the country over bankruptcy, will prevent disastrous consequences, and then he is pointed to a law which expressly declares that no part of the \$382,000,000 shall be kept or used as reserve; and the interpretation is insisted upon, and is a reasonable interpretation, that that means that he shall not reserve any portion of that amount in the Treasury for any purpose whatever. He would be required under this law by a reasonable interpretation of it to pay it out, and then the Treasury goes to protest, and the Treasury itself would have been bankrupt during the last panic provided a law like this had been upon the statute-book.

For that reason and others which I might name, I cannot assent to the report, and I desire, when the yeas and nays are called, to record my vote in the negative.

Mr. STEVENSON. I desire to say a single word. The committee of conference have been called upon to consider and act upon the difficult problem of reporting some *projet* upon the currency which should heartily receive the concurrence of both Houses of Congress. To insure success for any recommendation it was necessary at the outset that the conferees should in their action endeavor to agree on some plan of adjustment which would reconcile the variant views and diverse expressions of opinion which had found vent in the long dis-

cussion of our finances going through so many months of the present session.

The report upon your table is the result of the labors of that conference. I have hitherto taken no part in this financial debate, and should not now do so, but that I was on the conference committee. No one will pretend that the report contains all that Senators upon either side might desire. A conference from its nature implies concession and compromise of opinion between the two Houses. This report seeks that object. It recommends in the main two simple propositions, each of which separately have hitherto received a large majority of this body. Mr. President, I have myself been neither for contraction nor expansion. I preferred to stand still. I have strongly desired to see at the earliest possible moment at which the condition of the country would allow it without injury to its interest and without pecuniary distress a resumption of specie payments. I have been, however, unwilling to take any step which should inflate the currency beyond the point of legalizing the twenty-six millions of greenbacks issued by the Secretary of the Treasury, and reducing tax upon the circulation of the State banks to the standard of taxation imposed upon national banks. I desired neither to add to the volume of irredeemable national currency, nor to contract it by fixing any short day for specie payments. I have always desired a just distribution of the circulation according to wealth and population from the East, which has more than its quota, to the South and West.

I have been reared, Mr. President, in a political school whose founders denied that Congress possessed any constitutional authority to charter national banks. They warned us that the creation by Congress of large, irresponsible moneyed corporations might endanger the liberties of the country. Their political faith was that gold and silver constituted the only true standard of value and was the only currency known to and contemplated by the Constitution of the United States. While it is true that eminent statesmen differed on the question of constitutional power to charter a bank, all of them, from Alexander Hamilton to Andrew Jackson, including Daniel Webster himself, believed and argued that Congress possessed no power to substitute paper or anything else for coin as a tender in payment of debts and in discharge of contracts. Had this orthodox faith of the fathers been adhered to, what financial distress and loss of property would have been spared from panics inaugurated by a fluctuating, deranged, depreciated currency; what an amount of debt would have been spared the country!

Our present national-bank system sprung from and was the direct outgrowth of the late rebellion. Its founder acknowledged it as a war measure, not sanctioned in peace by the Constitution. Congress has solemnly pledged itself to use all means and take all necessary steps for a prompt redemption of this paper currency. Nine years have passed away since the cessation of hostilities, abundant harvests have blessed the labors of our people, and yet Congress is urged at this session to increase the volume of greenbacks and national-bank currency without providing means for its redemption in coin.

I felt constrained to resist this proposed inflation. I was at all times ready to legalize to the amount of twenty-six millions of greenbacks illegally put into circulation by the late Secretary of the Treasury and keep them in circulation. I favored a redistribution of the circulation of greenbacks upon the basis of wealth and population and desired a transfer of fifty or sixty millions from the East to the South and West. I desired a reduction of the tax upon the circulation of State banks from its present unjust standard to that imposed upon the national banks. I could not and will not cast a vote to inflate the currency of national banks, nor could I vote for free banking except on a basis of redemption in gold and silver. I have been compelled to differ in my votes on this question from many of my friends in the South and West with whom I am accustomed to act. We have been led to different lines of action from a conviction of duty.

I have been severely criticised for my course. I pass it by. Every public man is subject to criticism. I have been charged with open misrepresentation of my constituency in my votes on the currency question. I have received no such expression of the popular sentiment in Kentucky as enables me to say whether my constituency approve or disapprove my course in resisting inflation. I am proud to say I have received neither in the democratic press of my State nor by private letters any proof of such popular disapprobation.

I have in every vote which I have given on this currency question followed old democratic landmarks illustrated by Jefferson and Jackson in their adherence to a sound, fixed standard of value. While I have not sought to hasten a speedy resumption of specie payments or given any vote looking to such an immediate result because I did not wish to produce sudden contraction, I have, upon the other hand, sought steadily to prevent an inflation of the currency in irredeemable paper or free banking on a paper basis, but preferred quietly to hold to our present position, which I trust will lead to specie resumption during the next three or four years.

Mr. President, the people of Kentucky have a large experience on the subject of a depreciated paper currency. They are not easily persuaded that one paper depreciated dollar can be converted into two dollars by cutting it into two parts. Their native sense tells them that the value of a currency is to be measured by its purchasing capacity on a standard of gold and silver. They will not be deceived. They know that the laboring masses have the deepest interest in a sound, stable currency convertible into specie.

Whatever it costs to convert the depreciated paper money received by the producer or laborer into specie is a loss to that extent upon them. The greater the excess of our paper circulation above the business wants of the country the greater the depreciation of our paper currency below a specie standard. It is this excess which I desire to avoid. The only test of an excess of circulation is to be found in the fact that our greenbacks or paper promises to pay twenty or one hundred dollars can only be cashed by the laborer or producer who receives at one hundred cents on the dollar at eighty-eight cents. An American dollar should buy a silver dollar in England, adding the cost of transportation, because the laborer received it here as a silver dollar. But take our greenbacks to England and (outside of the cost of transportation) they would be received by labor for its purchases there at a fraction of a little over eighty-five cents. The producer or laboring man would by practical experience learn where the loss would fall.

But besides I am opposed to any increase of the power of the national banks. Never have the warnings of Andrew Jackson against the danger of colossal moneyed corporations appeared more prophetic than at this hour. Let those who desire to avoid these dangers take care how they add to or increase the power of these national banks. If we are to inflate at all let us adhere to the greenbacks, and not entail increased taxation upon the people by increasing national-bank circulation.

But I have been inadvertently drawn from my purpose, which was simply to explain the conference report. The redistributing by a transfer of fifty-four millions from the East to the South and West when the business need of the latter shall require it, is a matter so eminently just and equitable and so often voted by Senators from every section and of opposite opinions, that there would seem to be no possible objection to that. Upon the subject of the twenty-six millions of greenbacks, the circulation of which is legalized by this report, I have already said all that is necessary.

I think the repeal requiring redemption in New York will be found to work well in practice. So long as the banks were required to redeem in New York they were compelled to keep a certain portion of their circulation there. During the panic of last September I am quite sure that some of the strongest banks in Cincinnati and Covington were unable to get any of their circulation deposited with the banks in New York for redemption, but had to go through upon mere certificates of the New York banks.

The conference report sought to embody only these propositions as a whole which in the protracted discussions of the past few months seemed in the Senate to have been generally concurred in.

The report is not subject to the criticism that if it be adopted the Secretary of the Treasury must keep out the whole of the three hundred and eighty-two millions. There is nothing in this objection which deprives the Secretary of the Treasury of keeping always that safe working balance which prudence and experience will ever suggest and demand. And the words of the amendment, that no part of the three hundred and eighty-two millions shall be regarded as a reserve, are not opposed to or inconsistent with that working balance. As the Senator from Ohio [Mr. SHERMAN] justly said, the word "reserve" is a technical term in the banking act, and does not and cannot by any just construction apply as a restriction upon any safe working balance which every Secretary of the Treasury always and necessarily must keep on hand.

Mr. President, while I am opposed to inflation, in every vote I have given I have sought to avoid the evils of a suddenly diminished circulation. The committee gave up free banking because such a system demanded a gold basis, or a fixed day at short date for resumption of specie payments. That might, and possibly would, have led to sudden contraction by the banks by a refusal of renewals and in a preparation for resumption.

They gave up a convertible bond at low interest because it could not command general concurrence. I hope the report will be concurred in.

Mr. THURMAN. Mr. President, in a very early part of this session I expressed the opinion that what we ought to do was to redistribute a portion of the national-bank currency. I was very much of the opinion that that was all we should do, and I am confirmed in it by the report of this committee of conference. I shall vote for agreeing to this report. I believe it is the best thing that we are likely to agree upon. In fact, if it be rejected, nothing will be effected by Congress.

Objection has been made on account of the abolition of the reserve on circulation; but I think practically this provision for keeping 5 per cent. in the Treasury and allowing notes to be presented there and redeemed in greenbacks will prove in practice more efficient than the present circulation reserve. That is my firm belief. At present there is no such thing as the redemption of bank-notes. They are not presented because you cannot assort them and go off hundreds of miles to get greenbacks for them; but under this provision, although it will impose some pretty onerous duties on the Treasury Department, there will be a practical redemption of bank-notes to a very considerable amount in greenbacks, and as those greenbacks may be made to appreciate in value and come nearer to specie, so will this redemption become more common and be of more value.

Without taking up the time of the Senate on this subject, and without certainly saying that this bill is just what I would have it to be if I had the making of the law, for it is not—and perhaps what I would wish would not suit anybody else exactly—I say that in my

judgment the bill which is now reported contains but little or no evil and may be productive of considerable good; and as it is the last chance we have of agreeing upon anything I have come to the conclusion that I can and ought to sustain the report.

Mr. MORTON. Mr. President, I shall vote for this report as being the best thing we can get at this session, and the only thing; but I do not support it as the full or complete measure of justice or as at all meeting the public demands and exigencies, and in nowise as a settlement of the question which is before the country. The question is to whether the monopoly feature of the national banking system shall be abolished, as to whether the legal-tender act shall be repealed, and all questions coming in that purview are left to the future. I vote for it as a matter of imperfect and very tardy justice. As a measure of distribution it comes just twenty-five millions short of the amount required for a full redistribution, as shown by the report of the Comptroller of the Currency. Any measure of distribution ought to be a full one, and there is no good reason why this should not have been a full one.

But, Mr. President, there are some good features about this bill aside from the question of doing justice to States that have been shorn of their proper proportion of banking facilities under the original basis for the distribution of that currency. The best feature about this bill is the one that was criticised by the Senator from Vermont, that it abolishes the reserve on circulation. That is a cast-iron reserve, the banks being required by law to keep it at all times without regard to demand, without regard to panic or anything else.

Mr. EDMUNDS. Does the Senator mean to say that that is the present law; that they are bound to keep this reserve at all times?

Mr. MORTON. They are bound to keep a reserve on circulation equal to a certain amount, and if it is ever diminished they have got to make that up.

Mr. EDMUNDS. O, yes; that is another thing.

Mr. MORTON. I do not say that they would have to keep it up in advance. I mean that when they pay it out they have got to make it up under the law immediately.

Mr. EDMUNDS. Precisely. That is another thing. The Senator stated that they were bound to keep it at all times and against all demands. I thought that the present law was that they were bound to keep it and not loan it, to have it ready to meet demands on them for their circulation or for their deposits, and when it gets below they are bound to make it up again.

Mr. MORTON. I stated what I meant by it, and I do not think my friend misunderstands me. I stated that this was to be kept as a cast-iron reserve without regard to panic and without regard to deposits, a reserve of 15 per cent. in country banks on circulation and of 25 per cent. in the redemption cities. There never was any good reason for it. Practically the banks are not called upon to redeem, for the reason that there is but little use in redemption. Bank-notes are so good that people do not care about having them redeemed. There is no use in going to that trouble. The bank-notes are perfectly secured by the bonds deposited in the Treasury of the United States, and the people have entire confidence in the currency. It is not the case of an old-fashioned bank-note, where the people were never certain that the bank had the gold to redeem.

That law now requires the banks to keep 15 per cent. of reserve on circulation, which just to that extent diminishes their capacity to accommodate the people. Three-fifths of the reserve of country banks may be kept in the cities of redemption. What has been the practical effect of that? That while two-fifths had to be kept locked up in the vaults of the bank under the law, being 6 per cent., three-fifths or 9 per cent. the banks were compelled to send to other cities and loan there as a deposit, getting only 4 per cent. on it, while the people in their neighborhoods were deprived of the use of that money as a matter of accommodation. The people in the cities got it, and the banks used to loan it at 4 per cent. instead of being allowed to loan it as they would their other funds, at the current rate of interest. This bill corrects that evil, so that the banks may now keep the whole of this money at home to loan to the people in the neighborhood without being required to send three-fifths of it off to a distant city.

The effect of the abolition of reserve will be, as I am advised, that in busy seasons of the year, say when the crops are to be moved, it will set free and put into circulation some \$31,000,000 of legal-tender notes that the law now requires the banks to keep locked up in their vaults. It is a practical measure of relief, it is a practical measure of expansion to that extent.

So far as my own State is concerned this bill will afford to her I presume but very little relief. She may get half a million under it. I do not know what the calculation will be. She may get even less than that, because she has come up within several hundred thousand dollars of her technical proportion under the original basis of apportionment made out ten years ago. In the mean time the State has grown enormously. No State is growing faster according to her population, or developing more rapidly; and yet there were before the panic from twenty to forty localities in my State that needed banks and will need them and will be glad to have the opportunity of establishing them, if the law allows them to do so, whenever the times shall improve a little. This bill does not afford much relief to my State so far as increased banking capital is concerned. So far as Ohio is concerned I presume she will not get a dollar under this bill, and some of those States that really need banking facilities, which

are among the most progressive and growing States, will get no relief; but such States as Illinois, Missouri, Iowa, Wisconsin, Minnesota, and all the Southern States will have a large portion of the circulation allotted to them that they cannot now get. To that extent justice will be done to them and relief will be afforded to them. But so far as other States that need circulation almost or quite as badly are concerned, they will get little or none under it. So far as they are concerned, therefore, the question is simply postponed.

Now I want to say a word in regard to the question made about the Treasury reserve. One of the good features of this report is that it abolishes what is called the \$44,000,000 reserve. It destroys that idea. What was that idea? That there were \$44,000,000 in the Treasury, the difference between \$356,000,000 and \$400,000,000, that might be issued when needed, and when the pressure had passed by should be taken back into the Treasury, and if you please canceled in the Treasury or laid away as reserve, and not as a part of the working balance. That is entirely separate and distinct from the idea of a working balance. When the panic began the Treasury had a working balance of about \$13,000,000 that was wholly distinct from the reserve, and the Government did employ, I believe, the entire working balance in the purchase of bonds, commencing about the 20th of September, and the working balance was expended in that way. But afterward, when the revenues ran short, the reserve was brought out, not as a part of the working balance, but as a reserve, entirely independent of the \$26,000,000 afterward issued. The theory was entertained by the Secretary of the Treasury, and it has been lately restated in the President's veto message, that this was a balance to be preserved, kept on hand for emergencies, so that under that theory the Secretary of the Treasury could contract the currency in circulation, independent of the necessary working balance of ten or fifteen millions, with the first surplus revenue at his command to the amount of \$26,000,000. That is a perpetual threat hanging over the country. That power is taken away distinctly by this bill. Therefore the fear of contraction resulting from taking back into the Treasury the \$26,000,000 of the \$44,000,000 reserve has been taken away.

I shall for the reasons I have given support the bill, but not as a settlement of the great question.

Mr. BUCKINGHAM. I should like to inquire of the Senator from Ohio the effect of the third section of this bill. It provides a new way for redemption. I want to inquire what the effect of that plan of redemption will be upon the exchanges of the country.

Mr. SHERMAN. I do not think it will have any effect, except this: The first effect of it will be to bring in all the worn and mutilated bank-notes, of which it is estimated there are nearly \$100,000,000, nearly a third of the whole amount of circulation, unfit for use. We endeavored by a law of last winter to get it in, and failed because the banks did not make the requisite application. Under this third section that currency will all come in and be exchanged for new notes of the same banks. I do not think it will make any difference in the exchanges.

Mr. BUCKINGHAM. Is it not a fact to-day that there is no cost on exchanges between one section of the country and another?

Mr. SHERMAN. I do not think this will make any difference in that respect.

Mr. BUCKINGHAM. Is not that a fact to-day?

Mr. SHERMAN. That is now the fact.

Mr. BUCKINGHAM. It being a fact that there is no cost to any party in making exchange between one section of the country and another, the question arises, why is that? I think it is because you have adopted the present system of bank-note redemption in the different business centers of the country, and they all settle in the centers of commercial business.

Mr. SHERMAN. I fear I misunderstood the question. The Senator asked if there was no difference in the rate of exchange now. There is not on bank bills, but there is on money certainly. Exchange on Saint Louis and Cincinnati and Cleveland is at a little premium. I thought the Senator confined his question to bank-notes.

Mr. BUCKINGHAM. It is a fact that there may be at times a difference in the cost of exchange between New Orleans and New York and other sections of the country.

Mr. SHERMAN. It is so between New York and every city almost.

Mr. ALCORN. It is very rare indeed to find exchange at par in any portion of the country. It is nearly always either at a premium or a discount.

Mr. BUCKINGHAM. I understand that; but at the same time I understand that bank-notes are of equal value in all parts of the country. Let me put this question, then, to the Senator from Ohio: if you adopt this system of redemption will bank-notes be of equal value in all sections of the country?

Mr. SHERMAN. Certainly. Bank-notes in every portion of the country can be sent to Washington and here be redeemed. As a matter of course, as every bank is bound to receive the notes of every other bank, there can be no difference in that respect. It may be possible that if bank-notes should accumulate in New York or any other place largely, they would be sent to Washington for redemption in greenbacks.

Mr. BUCKINGHAM. Will not then a bank-note in Saint Louis or Cincinnati be worth as much less than par as it would cost to transport it from Saint Louis or Cincinnati to the Treasury?

Mr. SHERMAN. I think it is so now. Sometimes greenbacks are at a premium over bank-notes because of the difficulty of redemption.

Mr. BUCKINGHAM. Not on that amount, I believe.

Mr. SHERMAN. It is because it is practically impossible to assort the notes of the various banks and present them to the proper bank for redemption.

Mr. BUCKINGHAM. My own idea of this section is that if it becomes a law and the system of bank redemption should ever be of any value so that you could exchange a bank-note for coin, you will find a great difference in the exchanges, much to the injury of the commercial interests of the country.

Mr. MORRILL, of Vermont. I was somewhat surprised to see with what cordiality my friend, the distinguished Senator holding the place of chairman of the Committee on Finance, walks up to this report of the conference committee.

Mr. SHERMAN. There is not a word in this bill but what my friend from Vermont himself has cordially and heartily consented to report as I understand.

Mr. MORRILL, of Vermont. The Senator is mistaken.

Mr. SHERMAN. What part is there that the Senator has not agreed to?

Mr. MORRILL, of Vermont. It makes a mighty difference whether these provisions are coupled with others or not. These provisions might be accepted if they were coupled with some others looking toward specie resumption. I understand that the Senator from Ohio has from the outset called our attention over and over again to the duty, to the pledges that Congress was under of looking at the earliest practicable time for a resumption of specie payments. Now, there is not one word, syllable, or sign of specie resumption in this proposed conference bill.

Mr. SHERMAN. Because I cannot get a majority of both Houses of Congress to agree to specie resumption, shall I therefore refuse to vote for every bill on the subject of banking and currency? I ask my friend from Vermont whether he himself did not vote for this redistribution bill when we reported it early in the session, separately and by itself?

Mr. MORRILL, of Vermont. To that part of the present report I make no objection, and I should vote for it cheerfully separate and distinct or coupled with anything else to which there were no valid objections.

Mr. SHERMAN. Has the Senator not voted for and does he not agree to this mode of redeeming bank-notes in greenbacks in Washington at the Treasury?

Mr. MORRILL, of Vermont. But whenever I have voted for that it has been coupled with other provisions looking toward specie resumption. In the former bill where these provisions were inserted there was a positive provision for the redemption of the legal-tender notes to the amount of \$82,000,000. All that is now left out. But, Mr. President, I am quite aware that Senators, after having a subject of this kind long before them, having debated and discussed the matter until every one is weary of it, are oftentimes contented to accept a very crude and even distasteful bill. Like some young gentlemen who propose and get refused three or four times, they are at last quite ready to accept something far less attractive than that they sought in the first instance.

Now, Mr. President, I desire to call attention to the second section in relation to the reserves. The Senator from Ohio farthest from me [Mr. THURMAN] seems to think that this will operate so as to be as great a burden upon the banks as it would be to have the entire 15 per cent. reserve. I differ with the Senator from Ohio. There will be nothing redeemed at the Treasury Department except old, worn, and mutilated bills. That is all that will be done in the way of redemption so long as we are not to reduce the volume of legal-tenders and no steps are taken toward specie resumption. Under such circumstances, of course the entire amount of reserves save what is deposited at the Treasury of the United States will be at once let loose and thrown upon the country, and, as the Senator from Indiana has properly said, it is to that extent so much expansion. I thought that many Senators here were pledged that they would not go for anything in the way of positive expansion, and it is obvious to us all that this must result to that extent in so much direct expansion.

Mr. MORTON. I would call the Senator's attention to the fact that the 5 per cent. in the Treasury is not a part of the reserve on circulation, but to be counted as part of the reserve required by law to be kept on deposits, so that the entire reserve in circulation is set free.

Mr. MORRILL, of Vermont. That is the way I understand it. But, Mr. President, there is another provision in this bill, and that is in relation to the \$382,000,000 of United States notes. That is now to be the legal amount of legal-tenders that are to be issued and kept in circulation. Here again is another large amount of positive expansion, to the extent of perhaps \$26,000,000. I understand, perhaps not by authentic information, but at the same time I have heard that a considerable number of millions of the \$26,000,000 that were outstanding have been redeemed and are now in the Treasury. This provision will require that even what has been redeemed for the last month or two shall be reissued.

Mr. WRIGHT. Will the Senator from Vermont allow me to ask him one question?

Mr. MORRILL, of Vermont. Certainly.

Mr. WRIGHT. I will preface it by stating that I understand that

the \$26,000,000 at one time was issued, and therefore the maximum volume outstanding was \$382,000,000 at one time. The amount over \$356,000,000 was issued either legally or illegally. If it was illegal, then it was improperly out; but it was issued under a claimed power of the Secretary of the Treasury to issue it. That being so, and the Department putting that construction upon the statute, is it not better that we settle this thing one way or the other and say what shall be the legal volume of outstanding legal-tenders? That is all it is proposed to do in this section, to settle the question so that the Treasury cannot legally, according to the Senator's theory, issue more of this money. It has been outstanding; it is outstanding yet, as far as I know; and we merely say that that shall be the volume.

Mr. MORRILL, of Vermont. It is of course better to settle the question, but it is far better that it should be settled right. I never had a doubt but what that was issued improperly, to say the least.

Mr. THURMAN. Will my friend allow me to make a suggestion?

Mr. MORRILL, of Vermont. Certainly.

Mr. THURMAN. The Senator, if I apprehend his remarks aright, says that this bill would liberate some of the greenbacks that are now in the Treasury, some of the \$26,000,000 that were issued last fall, and that have now found their way back to the Treasury. Pray how can they get out of the Treasury unless there is some debt to pay; and if you do not pay debts with these greenbacks, what do you pay the debts in?

Mr. MORRILL, of Vermont. They could get out of the Treasury in various ways besides paying for our current expenses. They could be set apart as a portion of the sinking fund.

Mr. President, there is a confession on the part of the Senator from Indiana that entirely justifies me in voting against this conference report. He has announced that it is not a settlement of any of the questions here except as to the matter of justice in the redistribution of the banking circulation held by States now having an excess. Under these circumstances, as this proposition takes no step toward specie resumption but seems to banish it entirely for the present and for the future, and instead largely provides for inflation, I feel that I cannot vote for the bill.

There is one thing more in relation to the last section. It seems to me that this provision for a redistribution of \$55,000,000 ought to have had some limitation; that this threat over the banks of the North and the East should not be held as a perpetual terror over them; that if the States deficient in banking capital should not call for it say within two or three years, that after that time they should be required to forever hold their peace. I am quite willing to give the States that are deficient an opportunity to take any amount of banking capital that they desire, rather than to flood the country with irredeemable paper; but I do think that it is unfair to hold this measure impending forever over these banks in the North and East because they cannot properly do business and risk the withdrawal of their circulation at any moment. They cannot safely discount the same class of paper; they must only discount paper on call; and under such circumstances it seems to me that it is very unfair not to fix some time when this provision shall expire.

I do not desire to discuss the question at length. We have had a sufficient amount of discussion upon it heretofore, and but for the provisions in the bill which provide for at least fifty or sixty million dollars of actual expansion, I should most certainly have voted for it.

Mr. EDMUNDS. Mr. President, the Senator from Indiana is quite right, as he generally is, when he says that this is to be taken, not as a finality, not as what the country requires, but as a mere temporary expedient, if I did not misunderstand him. Of course, those who are to vote for this bill do not expect that the subject of paying the debts of this country, as it was promised they should be paid, is going to be put forever out of view by the passage of this measure which has not anything to do with it. I suppose the Senator means something more; that is, he means that those people like himself who are in favor of having more promises to pay before we redeem those that we have already put out, are not to regard this as a finality. So be it, Mr. President. That question ought to be in order at all times until it is finally settled. But I can do him the justice and the committee the justice to say that I do not think this particular report touches that question either way. It has been found that Congress could not harmonize its views in respect to the other question, and that it can, as is supposed, on this precise one of banking alone.

The Senator has said that as this is a bill only for redistribution, it is an act of tardy justice to States that were shorn—that was his language—of their just proportion of banking facilities. What were the shears that clipped that wool? Was not there freedom in Indiana when the act of 1864 was passed? What prevented the people of Indiana from having their share? Were they excluded by military power? Were they excluded by any illegal action of the Secretary of the Treasury, or by any undue haste on the part of anybody? Not at all. They were not shorn, Mr. President. They had offered to them an opportunity to engage in the business of banking by furnishing capital to assist in carrying on the war. They did not furnish the capital to assist in carrying on the war in that way because they did not choose to do so. They did everything they thought patriotism required to assist in carrying on the war and they did it nobly and bravely and well; but it did not appear to them that it was for the interest of capital in the State of Indiana to engage in that particular business. It was otherwise occupied, more profitably to them. Therefore I must respectfully dissent from the judgment of the Sen-

ator from Indiana that the people of his State or of any other State were shorn of any part of this circulation. As I live in a wool-growing State, according to our notions of shearing it is taking a fleece off an animal that already has it; and therefore I do not think the Senator is right in the imputation, because it amounts to that, of robbery, shearing, that there have been circulations denied to the people of his State and the West by the people of the East or anywhere else. It is incorrect. Perhaps it was only a flourish of speech, and designed only to say that the people of the West did not obtain the amount of banking facilities which they were then entitled to and might have had had they chosen, and which they are now, as it is supposed, ready to take. If that is what the Senator means, very well; but if he means the people of Indiana or of any other State to believe that the people of the Eastern States have been shearing their brothers in the West of either circulation or rights, then I beg the Senator from Indiana to believe that I totally disagree with him; that the law and the history of these transactions is the other way. That, to be sure, does not touch the question much of what we are willing to do and what ought to be done now. I only refer to it to repel what might be implied from the phrase which the Senator from Indiana chose to adopt in describing what it appeared to him had been the state of affairs.

Mr. President, the question recurs, not whether the West shall now be entitled to take its proportion of banking circulation if it has the capital that it chooses to employ in it, because everybody agrees to that, not that they have an innate right to do now what they declined to do then, but so far as my constituents are concerned, out of good will and good feeling, we are ready to give up the full proportion that our friends in the West may want to make the thing even now, although we are far from seeing it as the Senator seems to do, that we committed any wrong on our friends in Indiana or elsewhere in taking banking circulation at the time and in the way we did. But that has gone by. The question to which I adverted was, and upon which solely as it respects this subject I vote against this conference report is, that it violates the fundamental principle upon which the national banking act of 1864 was founded—the fundamental banking principle I mean—which was to furnish what is called a sound system of banking to the people of this country.

The Senator from Indiana says that we get rid on this question of the reserves of the banks, of a cast-iron reservation or rule which had no elasticity, and therefore had no value to accommodate itself to the circumstances and the pressures of occasion as it should arise. Is the Senator right about that? Is he right in saying that this money so held in reserve could not be paid out? The Senator is not right; he is wrong. It could not be paid out upon loans, but it could be paid out either to meet demands for redemption of circulation, or, what is more to the purpose so long as the credit of the Government is good, to meet demands by daily depositors, so that the mechanic who in a panic wishes to draw his funds from a bank where he has deposited them for safe-keeping might be able to go to that bank with some probability that the law had directed the bank to keep itself in such a condition that it could meet the demand he was to make upon it.

Now, Mr. President, in order that there may be no misunderstanding about this subject, I ask the Secretary to read the first part of the thirty-first section of the national-banking act.

The Chief Clerk read as follows:

SEC. 31. *And be it further enacted*, That every association in the cities hereinafter named shall at all times have on hand, in lawful money of the United States, an amount equal to at least 25 per cent. of the aggregate amount of its notes in circulation and its deposits; and every other association shall at all times have on hand, in lawful money of the United States, an amount equal to at least 15 per cent. of the aggregate amount of its notes in circulation, and of its deposits. And whenever the lawful money of any association in any of the cities hereinafter named shall be below the amount of 25 per cent. of its circulation and deposits, and whenever the lawful money of any other association shall be below 15 per cent. of its circulation and deposits, such association shall not increase its liabilities by making any new loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight, nor make any dividend of its profits, until the required proportion between the aggregate amount of its outstanding notes of circulation and deposits and its lawful money of the United States shall be restored.

Mr. EDMUNDS. The Senator from Indiana will see and the Senate will see that the very object, the literal object of this provision in the bank act of 1864, which then met the approval of everybody as being one of the cardinal securities of this banking system, was that this percentage of reserve should be held available for the purposes of meeting demands upon the deposits in the bank and upon its circulation, and that the bank was not forbidden to pay it out for these purposes. It was only forbidden to make loans and discounts when the amount of its lawful money should have gone down to that minimum, and was required to continue to pay it out to depositors and to people holding its bills until the last dollar of it should be gone; and yet the Senator says that this is a cast-iron regulation that really locks up that amount of money and keeps it there so that the community cannot have benefit from it! I am amazed at the statement of the Senator. I am sure he must have forgotten how carefully the thirty-first section of this act of 1864 provided for a reserve of this money to meet the demands made from day to day upon it by its depositors and bill-holders when a pressure in the state of affairs of the country should require the people who had deposited money to get their money out in order that it might be paid upon their debts.

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

Mr. EDMUNDS. With pleasure.

Mr. MORTON. The section quoted by the Senator exactly carried

out the idea as I expressed it. If the reserve on the circulation is impaired by drafts upon it for redemption, it must be made good. If the reserve on deposits is impaired, that is to be made good; but as the reserve on circulation has never been impaired, and is not likely to be impaired by drafts upon it for redemption, therefore it has been in contemplation of law a permanent reserve. That is what it is now. It carries out my idea, I think, precisely.

Mr. EDMUNDS. I am very sorry that the Senator does not understand this section yet. I beg him to be kind enough to take the statute and to run his eye over it. He will then see that the statute does not make a reserve for circulation and another reserve for deposits; it is one single reserve. I wish to have the Senator hear me, because I know if I can convince him, then I shall have convinced all, and that when I conquer Caesar I shall have captured Rome. Therefore, I hope I shall be excused for asking the Senator to give me the honor of his attention for a single moment in reply to his own question and his own observation.

Now, I beg the Senator to look at the statute and he will see that there is not one reserve for circulation and another for deposits. There is one single reserve, a totality, an entire sum of 15 per cent., made up of two elements. Fifteen per cent. of the circulation, supposing that to be \$100,000, and 15 per cent. of the deposits, supposing them to be \$100,000, is a reserve of \$30,000. That sum of money—not 15 per cent. to answer circulation and 15 per cent. to answer deposits, but that total sum of money equal to 15 per cent. both of circulation and deposits, is to be held against all loans and subject to the demand of the depositors or to the demand of the bill-holders, as the case may be. Now suppose, as the Senator says, the bill-holder does not come at all—

Mr. MORTON. If the Senator will allow me—

Mr. EDMUNDS. My friend will pardon me until I answer this question first. What then? Then there are \$30,000 in bank which the bank is authorized and directed to hold to answer deposits, and the bank would be bound to pay out every dollar of the \$30,000 on the demand of its depositors, and could not loan a cent of it whenever the time came when the depositors came and demanded the money; and if there was no demand from the bill-holder, so much the better for the depositor.

Now I will hear the Senator from Indiana.

Mr. MORTON. I was going to suggest that the Senator's rule holds out the same idea. It requires under the law a reserve in the Treasury of 15 per cent. for circulation, and as long as the bank circulation is outstanding the bank is required under the law to keep that amount of reserve on circulation, and if it is found to be impaired it is to be made good under the section which my friend read. Now, what difference does it make?

Mr. EDMUNDS. Let me ask the Senator a question, and then he can tell me the difference, or tell the Senate. Suppose a bank has \$30,000 of reserve and \$100,000 of deposits. There is no demand by the bill-holder at all. A panic occurs. The depositors run in and draw their money from hour to hour until the bank has got down to \$15,000. Is it lawful for the directors and the president of the bank to say to the depositors "We cannot pay you any more; this other \$15,000 we have got left is for the bill-holder?"

Mr. MORTON. No, sir; it is not lawful, because they are bound to pay all their debts, and have no right to repudiate as to any part of them.

Mr. EDMUNDS. So they are; and therefore if it is not lawful for them to hold on to that \$15,000, it is their duty to pay it out. If they do pay it out the depositor gets it and applies it to his debt. That is precisely as I understand it in the East—I do not know how it is in the West—what a bank is instituted for, for the purpose of paying back the money to the depositors when they call for it.

Mr. MORTON. Let me ask my friend, is the liability of the bank confined to the extent of the reserve, so that when the reserve is exhausted it need not pay any longer?

Mr. EDMUNDS. Not at all.

Mr. MORTON. That answers the whole question.

Mr. EDMUNDS. It may answer it to the comprehension of the Senator; that is his affair; but whether it will answer it to the comprehension of honest and intelligent men is another question. The bank is bound to pay everybody; no one disputes that. The Senator mistakes the means for the end. We are on the question of means, and the question is whether we shall authorize a bank to spread all its money by loans, or whether we shall require the bank to keep some portion of it to meet those people who have loaned money to it and not to accommodate those people who wish to borrow money from it. Can the Senator see the difference between those two cases? I assume that he can. If he can, then I take it we have the case precisely where I put it to him before, that this statute is intended to preserve the public who are the depositors, so that they may have some hope to that extent in a time of pressure and panic of going to the bank and getting the little funds they had deposited; and the statute provided for both classes of the creditors of the bank, the bill-holders, and the depositors. The bonds deposited, as the Senator has said, ordinarily furnish good security for the bill-holder and he does not go for his money upon his bill. What then? Then there is just so much more money left on deposit in the bank which it is not authorized to loan; that the depositor has, if the bank is honest and pays it to him, to draw against to keep up his own credit.

That being the state of the case, this bill as reported by the conference committee turns around and says: We have been proceeding upon a false principle of banking all the time; when we have required that a bank shall hold itself strong, as we call it, by law to meet any run upon it, we have made a mistake; we will diminish by one-half, or by two-thirds, or by nine-tenths, as the amount of deposits may make it, the security that the depositor had before for the return of his money; we will authorize the bank to loan everything that is left with it, capital, deposits, and all down to 15 per cent., and that is all the sum of money that we will require the bank to keep to meet the demands upon it in the time of a run. Where is your depositor? He has not got any security by the bonds left in the Treasury. When he goes for his money the bank tells him "Congress authorized us to loan all the money you left with us except 15 per cent., and it is gone." The bill-holder turns around and says, "I have got my security; I am all right;" but the depositor, instead of having, as the law now gives him, this chance at 15 per cent. of the capital as well as of the deposits of the bank, is by this bill shorn (to borrow the expression of the Senator from Indiana and rightly apply it) of one-half of the security that the existing law has provided for him, in order that the bank may push out its loans and encourage enterprise and speculation, as it is called, until it has got nothing to meet its deposits but its bills receivable; and let me ask Senators what bills receivable are good for in a moment of panic? Of what value were the bills receivable of the banks on the 23d of September last, if that was the day, and for a month afterward?

Mr. SHERMAN. They were of as much value as the reserves on circulation, because they were deposited in New York and could not be drawn upon.

Mr. EDMUNDS. The Senator is a little mistaken there, although he does not answer the question. He says they were of as much value as the reserves. Does the Senator mean to say that the deposits in the banks of New York were not more secure than the general loans of the banks?

Mr. SHERMAN. I know that the banks in Cincinnati whose deposits were in New York could not draw their deposits until they did draw from their bills-receivable at home enough to maintain themselves, and did actually resume payment of all their depositors before New York paid a single draft.

Mr. MORTON. And it was so all over the West.

Mr. EDMUNDS. Well, I know that in Burlington the banks were able to draw their deposits from the city banks and went on with their business. There is the difference between the two places. There is no criticism to be made upon that; I do not speak of it for that purpose. I only say that in a general way—undoubtedly there are exceptions—the deposits of the country banks in the city banks during the panic were a more available resource to meet the demands of depositors than were the bills receivable of the banks scattered all over the country. Neither of them was any too good it must be admitted; and I heartily concur in that part of this report which provides that the country banks shall not keep their reserves in the city banks. I was never in favor of their doing that. If this conference committee had reported that provision and had then left the reserve of 15 per cent. on the total capital and deposits, I should have said that they had made an improvement upon that conservative hand which legislation must have upon banking corporations and associations if they mean to protect the people, and would have given us a better banking system than we have now.

But, instead of that, what the committee have gathered in one hand they have scattered like sand from the other. They have given away, in my judgment, that wholesome security for the poor people and depositors of this land, the majority of whom deposit small sums of money in country banks, taking them all together—they have given away the wholesome and conservative security designed for and indispensable to their benefit, in order that there might be loaned out for purposes of enterprise and speculation every dollar that a bank had excepting this 15 per cent. of deposits. There is the objection; and I prophesy, although I do not seek for fame on the ground of prophetic voice, that adopting this, as no doubt you will, and standing to it as perhaps you will, you will find when the next panic comes, and it certainly will come as we all know, that you have destroyed one of the chief securities that the creditors of the banks of this country had; and you will then I think regret that you have aided by this degree in inflating enterprise and speculation at the expense of enabling depositors to draw from their banks on demand the sums of money which they have entrusted to them.

That is what I fear. It may be that I am wrong. When I see the honorable Senators from Ohio and from Indiana shake their heads, so much fuller of the wisdom that comes from coin and from currency combined, I feel that there is great doubt about what I say; but when I look at the little human experience that I have had and the little human observation that I have had and the little that I know of the history of the principles of banking, I cannot help entertaining humbly for myself the opinion that by just the degree that you allow banking corporations to withdraw from their vaults the money which depositors have placed there, by that same degree you injure the security of depositors, and so by the same degree you injure the community of which they are a part.

Mr. THURMAN. Mr. President, I have heard with no little sur-

prise, and more regret, the remarks submitted by the Senators from Vermont. We have been fighting here for nearly six months, two contending parties—on the one side the inflationists, on the other side those who were opposed to inflation. Among those most steadily opposed to inflation were the two Senators from Vermont. They have told us from the first, they have said to the South and the West "There is no necessity for inflation; there is no necessity to enlarge banking facilities; we can give you all the banking facilities you want by a redistribution of the currency, and we are ready at any moment to do it;" and now when for the first time we have a bill which can pass and become a law, which does redistribute the currency, and does offer to the South and the West their fair proportion of it, the Senators from Vermont are found opposing that bill. It is true they say they are not opposed to the redistribution feature of it, but how easy it is to find something to which to take exception, and if there is an exception to be taken to every little feature that may be in this bill in order to destroy it, do those Senators believe that entire confidence will be placed by the country in their statement that they are in favor of or are willing to submit to this redistribution of the currency? We know that they are in earnest in what they say, but how will it be regarded all over the country but that it was a hollow promise, a hope held out to the ear but never intended to be fulfilled?

Now, pray, what are the objections to this bill? Certainly there are serious objections to it in my mind; it is not such a bill as I would have. But what, pray, are the features in it that are so seriously objected to by the Senator from Vermont nearest me, [Mr. EDMUNDS,] and who has taken nearly an hour to develop them here to the Senate? Why, that this bill proposes to abolish what is called the reserve upon circulation, and that, says the Senator from Vermont, will lessen the amount of the reserve for the security of depositors; and he seems to be prodigiously alarmed lest depositors in national banks shall lose their deposits. When did the national banks get so shaky? When, in the opinion of the Senator from Vermont, were they so weak-kneed that if you abolish this reserve, which was intended as a reserve upon circulation—for it is precisely so in the charter—their depositors will not be safe? Is the Senator prepared to advertise the people of the United States that the national-banking institutions of this country are so frail as that, so fragile as that?

Why, sir, in regard to this thing of a reserve to meet deposits, I tell you there are no banks in this country that can stand a run of their depositors if all the banks are run upon at the same time. In the nature of things they cannot do it, reserve or no reserve.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. THURMAN. Yes, sir.

Mr. EDMUNDS. I ask him whether they cannot stand it better just in proportion to the amount of money they have in their vaults?

Mr. THURMAN. Your reserve will be exhausted in twenty-four hours. It does not help them a bit.

Mr. EDMUNDS. If you had double the amount it would last forty-eight hours, would it not?

Mr. THURMAN. But you do not require a reserve, and nobody talks about a reserve equal to the amount of the deposits. Look at the amount of the deposits of your national banks. They are about \$800,000,000, more than twice the amount of the national-bank notes, more than the whole paper currency of the country; and that is simply the amount of the deposits of the national banks. Now add to that the deposits in other banks, private banks, savings-banks, and all the various institutions that receive deposits, and see whether they can stand a run by their depositors. They never did and never will in the world. What did they do last fall? We know very well that they suspended. The system of certified checks we know was practical suspension.

The idea that it is necessary to keep this reserve of 15 per cent. more in order to secure the depositors has no foundation whatever. I believe there are now more deposits in private banks and savings institutions than there are in the national banks. Where is the security for them, pray? The multitude of private banks in the country that receive deposits and have hundreds of millions of deposits, where is the security for them? And yet they fail just about as seldom as national banks fail; they are found to be just about as good.

This whole system of reserve for the protection of circulation or the protection of depositors in national banks is a delusion unless it is a reserve of coin to compel the payment in specie of the notes of such institutions. There is some sense in such a reserve as that. When you compel your banks to pay their notes in specie on presentation there is some sense in requiring them to have always on hand a certain quantity of coin with which to make redemption. But so far as this question of redeeming their notes is concerned, the reserve for which is abolished by this bill, in my judgment there never was any necessity whatsoever for that reserve and there is no harm done by its abolition, except (and I think that is going to be very trifling indeed) the little inflation that may take place by that abolition—a very trifling matter indeed, less I think than the Senator from Indiana has stated to be the result of his calculations.

But I do not wish to argue this matter further. Now I say to my honorable friends from New England, there are a few of us from the West who have stood in the same ranks with you and stood there at more peril of condemnation than you have encountered, by far, for you encountered none, and we have been fortified by your promise

that there should be this redistribution of the currency. Now I say to you that if upon one pretext or another you destroy the fulfillment of that promise, then we shall have some right to complain.

Mr. EDMUNDS. I should like to ask the Senator from Ohio what he means by "one pretext or another?"

Mr. THURMAN. I know this: There never was a bill drawn on the face of this earth, not even by the Senator from Vermont himself, in which he could not find some fault. I utterly despair of there ever being a bill to which the Senator from Vermont would not find some objection, where he would feel hurt if I were to call it a pretext.

Mr. EDMUNDS. Well, Mr. President, I am not much wiser than I was before, which is saying a good deal after I hear the Senator from Ohio. The Senator seems to have warmed himself up to the notion that he has hitherto been in a false position, and that the best way to get out of it now is to accuse somebody in New England, and particularly me, of having a "pretext." I honor the judgment of the Senator. The best reason I have heard for going for this report is that one humble Senator from Vermont is guilty of making a "pretext." All hail to that wisdom of western statesmanship which conquers a reluctant Senate to go for a thing which stands before us in violation of all parliamentary law on the ground that one Senator has been starting a "pretext!" If that is not heroism for you, I do not know what is.

The Senator calls it a "pretext!" What pretext have I put forward? I asked the Secretary to read the thirty-first section of the act of 1864, which said a certain definite thing should be done. Was that the "pretext?" I suppose not. What then? I then said that we ought to stand upon the principles of that section. Is that what the Senator, with the wealth of learning that characterizes him, understands to be a "pretext?" I think not.

Mr. President, my honorable friend from Ohio in his present enthusiasm I think has a little forgotten himself, if he will pardon me for saying so, and that after all, passing the witticism, and it was not I must confess an extraordinary one, that he perpetrated at my expense, that nothing can be found that I do not find fault with—passing that, I think the Senator on reflection will conclude that there has not been much "pretext" about this particular business, at least east of the Alleghenies. We have had, to be sure, a good deal of pretty broad talk from some Senators on the subject of the value of specie payments, on the subject of the value of coin as the only just basis of commercial enterprise and of corresponding equivalents. I do not mean to say that there has been any "pretext" in that sort of thing. I do not mean to say that anybody standing on the top of the Rocky Mountains has been looking for votes on the shores of the Atlantic by occupying such altitudes. I do not think anybody has; but I think that those Senators who ask for themselves some respect for the fidelity of their own opinions ought to be willing to be generous enough to allow other people occasionally in this land of liberty also to have an opinion of their own, without being terrified into the notion that it is a "pretext." If I am wrong in demanding so much, then of course I ask the Senate and the Senator to excuse me.

But, Mr. President, I wish to state to the Senator from Ohio that I have voted, as he has, steadily to give our western friends the opportunity which they never have exercised when there has been circulation at the Comptroller's office that they could have, and when there is yet, to take it, to give them more, all that they ask. I intend to vote so again upon the bill that is on your Calendar for that purpose. But when a committee of this body, with whom is put in charge a question that has not anything to do with redistribution, but has to do with what I consider to be the safety of every community in this country in respect to compelling banks to keep themselves strong, I shall take the liberty, pretext or no pretext, to give the reasons why I think the committee in this instance in departing from the settled wisdom of the act of 1864, and declaring, as the Senator does in principle, that there is no use in any reserves at all, are wrong; and if there is any treason in that, to quote an old saying, the Senator from Ohio or anybody else is at liberty to make the most of it.

I should be glad to ask the Senator from Ohio, who talks about "pretexts," how this provision for redistribution got into this bill at all? Was it in the House bill that came to this body?

Mr. SHERMAN. Yes; but not for actual redistribution.

Mr. EDMUNDS. The Senator from Ohio is speaking a little too soon. Was it in the bill of the House that came to this body and went to that conference committee? No, sir; it was not. Was it in the amendments of the Senate that were sent to the House and disagreed to and that went to this committee? No, sir; it was not. Where, then, did this committee, in whom were posed the duty of harmonizing those two bills, pick up this stray sheep from the flock, I should be glad to know, and who gave them the authority, I should be glad to be informed, to bring any such subject as this before us in this conference report? Why, Mr. President, in the good old times of Andrew Jackson, to which my friend from Ohio [Mr. THURMAN] is so apt to refer, in that golden age of the Republic, a conference committee that should have undertaken to bring in a proposition of this kind upon a bill that was pending between the two Houses would have been ruled out on a point of order.

Mr. FERRY, of Michigan. Will the Senator allow me to explain?

Mr. EDMUNDS. No, sir; not at this present moment.

Mr. FERRY, of Michigan. It is on the point the Senator is stating as to the action of the committee.

Mr. EDMUNDS. The Senator will be kind enough to wait a moment, and then I will hear him.

It would have been ruled out on a point of order, not on what the Senator might call a technical point of order, and the good sense of the Senate would have said that it was due to the independence of both Houses and to the rights of every Senator and member that the conferees of the two Houses should be confined to the subject that was at issue between them.

But, Mr. President, I make no point of order about this conference report. That is not the point at all. I took the liberty to express, when I was up before, my approval of that part of it. I am perfectly willing, as I have said a thousand times, that this redistribution should be made; but I do not want to be told, because on another part of this proposition, totally distinct from the question of redistribution, but touching the rights and duties of banking everywhere, I do not happen to agree with these new charmers, who keep serpents, and who overthrow the principles of the act of 1864, that I am guilty of resorting to "pretexts" in order to evade this provision for redistribution. The Senator has only to move to take up his distribution bill, or the distribution bill—it is not his in particular—and he will get my vote for it, and he may put it at thirty, forty, fifty, or sixty, or whatever number of untold millions it is that the Senator from Indiana speaks of as being due to the West, and he shall have my vote for it.

Mr. STEVENSON. May I ask the Senator from Vermont a question?

Mr. EDMUNDS. Yes, sir.

Mr. STEVENSON. If a portion of the matter which was referred to us repealed the redistribution act, would not that give us jurisdiction to suggest not only the redistribution, but an increase of it?

Mr. EDMUNDS. I doubt it very much.

Mr. STEVENSON. I can only say to the Senator, whose experience is very much larger than mine, that I think the usage of the Senate and of Congress justify the committee in the exercise of that power.

Mr. EDMUNDS. Now, Mr. President, allow me to say, because I want to yield to my friend from Michigan in a minute—

Mr. FERRY, of Michigan. I wanted to call the attention of the Senator to the very point to which my colleague on the conference committee has called his attention—that that question was before the committee, submitted through the clause of the bill of the Senate repealing the act for the withdrawal of the \$25,000,000, and therefore it was within the boundary of the controversy the adjustment of which was referred to us.

Mr. EDMUNDS. Let us see. Will the Senator be kind enough to read any part of the House bill or of the Senate amendments which contains any such provision? I know it was brought in by another committee of conference, but I do not remember it in the bill.

Mr. FERRY, of Michigan. I have not the bill before me, but I state the fact, and the Senator's ingenuity is so fruitful that I presume he will recall to his attention the fact that it was in the bill since it was part of the project to withdraw circulation from New England in case we adjusted the currency question.

Mr. EDMUNDS. Well, Mr. President, I seem to be guilty again. First, this conference report ought to be adopted because I am guilty of "pretexts;" second, because I am "fruitful of ingenuities." Now, if there is any other good reason for this, I think the Senate ought to be told it, because all Senators may not be willing to vote on those two grounds alone.

Mr. WRIGHT. I was going to suggest to the Senator from Vermont that a reference to the bill as passed by the Senate and as it went to the House will show distinctly that there was a provision in it repealing that clause.

Mr. EDMUNDS. Let us see what there is in it now. I had the impression that the committee would be able to refer me to the clause at once in one or the other of these bills, as they have had them under incubation for some time.

Mr. SHERMAN. You will find it in the third section, I think.

Mr. EDMUNDS. I shall find it in the third section, shall I?

Mr. SHERMAN. In the section for free banking. I think that is it.

Mr. EDMUNDS. We will see. The chairman of the Committee on Finance says that this repealing clause is in the third section. I will read the third section:

SEC. 3. That sections 31 and 32 of the said act be amended by requiring that each of the said associations shall, within ninety days after the passage of this act, and thereafter, keep its lawful-money reserves within its own vaults, at the place where its operations of discount and deposit are carried on. And all the provisions of the said sections requiring or permitting any of the said associations to keep any portion of its lawful money reserves elsewhere than in its own vaults, or requiring or permitting the redemption of its circulating notes elsewhere than at its own counter, except as provided for in this act, are hereby repealed.

The Senator must be mistaken. That is not it.

Mr. SHERMAN. I tried to correct you and tell you it was in the section in regard to free banking.

Mr. EDMUNDS. I did not hear you.

Mr. SHERMAN. I thought I would wait until you got through. It is in the section which requires free banking. If the Senator will give the bill to me I will show it.

Mr. EDMUNDS. Do you mean of the Senate amendments?

Mr. SHERMAN. Yes, sir. The section which repeals certain acts, among the rest that one.

Mr. EDMUNDS. Yes; here is the clause undoubtedly to which the Senator from Ohio intended to refer. If I read the wrong section, it was through his misinformation, because he certainly said the third section unless I am very much mistaken. Here in the fourth section is a clause which provides—

That section 22 of the said act, and the several amendments thereto, so far as they restrict the amount of notes for circulation under said acts, be, and the same are hereby, repealed—

And then it goes on to repeal other sections—

and the proviso in the third section of said act limiting the circulation of banks authorized to issue notes redeemable in gold coin to \$1,000,000; and section six—

I think that must be it—

of said act, relating to the redistribution of twenty-five millions of circulating notes, be, and the same are hereby, repealed—

That is what the Senator refers to—

that every association hereafter organized shall be subject to, and be governed by, the rules, restrictions, and limitations, and possess the rights, privileges, and franchises, &c.

Instead of bringing in a bill on these two bills which should regulate steps toward the resumption of specie payments, which should regulate free banking, and which, providing free banking as a substitute for other points in the controversy that we have had, contained a clause repealing the sixth section of the act referred to, and instead of acting upon the repeal of that clause and leaving it repealed, or else declining to repeal it, the Senator says that to drop every other part of the bill and bring in a fresh bill for the redistribution of the currency is within the power of the conferees. I beg the Senator to remember that he ought to be a little cautious before he maintains that, because it may injure us hereafter.

But I do not want to spend any time, as I said, upon the subject of whether the conferees have exceeded their authority or not. I stated when I had the honor to address the Senate before, that I was in favor, without regard to whether this proposition was regularly before us or not, of doing whatever our western and southern friends desired to have done in the way of getting banking facilities if they want them. I ought to have said, as has been said by my colleague, and as I stated the other day, that there ought to be a limit of time to this business somewhere, that this ought not to be held up for a hundred years, because, as Senators will see, taking all the banks in the East, in order to be ready promptly and fully to answer this demand they must keep a reserve on hand in order to meet it as they honestly should, and just so far as they keep this reserve on hand for that purpose, just so far they contract their loans and discounts, and just so far, therefore, from the point of view taken by my friends in the West and South, they are doing an injury to the community, because when the money is once loaned by the banks, it does not stop on State lines; it does not stop on rivers or geographical boundaries; it goes where it is wanted, to pay for things that people desire to buy. That is all the criticism I have to make upon it.

I do not think, therefore, it is just in anybody to say that because I am not in favor of this conference report, destroying as I believe it does by one-half the fundamental principle found by every country and stated by every writer on banking to be for the security of the people who intrust their money to banks, I am using that as a "pretext" to avoid a redistribution of the currency. I say that whoever asserts that asserts that which is unjust to me and which is beneath the dignity of the cause that the honorable Senators represent. They should find some better reason than that for overcoming the suggestion I make that I believe in the law of 1864 regulating all banks, and which has no reference to distribution, that there should be security to the bill-holder and to the depositor also to the full extent required by that act.

Mr. HOWE. I do not rise to say a word in favor of the adoption of this report or against the adoption of it. I will try to be content with whatever the Senate does in that behalf; that is to say, if I am discontented with whatever the Senate does, I will try to bear that discontent as well as I can.

I want to say one word touching this question of distribution. I am one of those who never blamed the East for any share that it has obtained in this privilege of banking. That is a statutory privilege. I think it ought to be common to all. The wisdom of the law, however, decreed that it should be limited. It was distributed, and our friends in the Eastern States secured a share in that privilege quite disproportionate to their population or to their business. I never held them blamable for doing so. The States of the West and South secured a share of that privilege quite disproportionate to their business and to their population, much less than their population and business entitled them to. I never blamed the East for that result; but this morning I understand the Senator from Vermont to urge that the West and the South are to blame for not having secured more of this statutory privilege than they did.

Mr. EDMUNDS. I have not said anything of the kind.

Mr. HOWE. I understood the Senator—if I misunderstood him I shall be corrected—to recite here as an evidence of the patriotism of the East that they came forward when war was abroad in the land and took up this banking circulation by way of aiding the Government; and that the West, not being as patriotic, held back and refused to take the share of that circulation which the statute entitled them to.

Mr. EDMUNDS. I occupied no such position and stated no such proposition, the Senator will pardon me for saying, as he will find by looking at the RECORD to-morrow, which I never change or revise.

Mr. HOWE. Then I did misunderstand the Senator.

Mr. EDMUNDS. You did. I had no such idea.

Mr. HOWE. I am glad I misunderstood the Senator. Still I will take this opportunity to say, since I have gotten up under the influence of a mistake, that I do not think the State I represent is at all to blame for not having secured its full share of that statutory privilege. The State of Wisconsin had a banking system at the time you adopted the national banking system. By the constitution of that State she is prohibited from contracting a debt exceeding \$100,000, except in time of war. When the war came on the State found it necessary to contract a larger debt than \$100,000, did contract a debt to the amount of \$2,000,000 in aid of the Government, in aid of the war, to enable the State to fit out and send its troops to the field. The banks of Wisconsin came forward and invested their capital in those bonds and put those bonds behind their circulation. When you proposed to tax the circulation of State banks 10 per cent, or tax them out of existence, you see that blow fell heavily upon the banks of the State of Wisconsin. I am inclined to think the banks of Wisconsin were just as patriotic when they purchased the bonds of that State issued in aid of the war as the banks of Vermont or of Massachusetts were when they purchased the bonds of the United States issued in aid of the same war.

Mr. SCOTT. Will the Senator from Wisconsin permit me to make a statement bearing on this matter—I do not wish to get into this controversy—which I think ought to settle the question about the relative patriotism of the East and West in taking the national-bank capital? I made an examination at one time on that subject, and prior to the battle of Gettysburg, in July, 1863, which I believe is conceded as having turned the tide of events, there were not over thirty applications for national-bank charters from all quarters of the United States.

Mr. HOWE. Then, after all, it was not so very patriotic a movement.

Mr. SCOTT. I state the fact.

Mr. HOWE. I am sorry the Senator did not withhold that fact. I should have been glad to believe that the patriotism of all our friends in the East could be measured by the readiness, the cheerful alacrity with which they came forward and subscribed to these bonds and went into the banking business. I should not have protested against the justice of that standard at all, but I should protest against applying the same standard to the State of Wisconsin for the reasons that I was going on to state.

When the United States said to the several States "You must retire all your State bank issues," it involved the necessity on the part of Wisconsin bankers not merely of investing their capital in national bonds, but it involved the necessity of their withdrawing the same amount of capital which was then invested in the bonds of the State. That was a very heavy load for the banks to carry. Those bonds could not readily be converted when all the capital of the country was jumping to get national bonds. I remember to have stood here in the Senate to have resisted the passage of that law imposing the tax. I thought I was discharging but my simple duty to the bankers of Wisconsin in doing so; but while I stood here resisting it those bankers came forward voluntarily, having first invested their capital in the bonds of the State to aid the war, and in convention they agreed to retire those bonds and to invest their capital in the bonds of the nation. So I shall to-day and always protest that the reluctance on the part of the bankers of Wisconsin to come forward and invest in the national banking system is not to be construed here or anywhere as an evidence of any want of patriotism on their part.

Having said this much, I will take my seat, remarking once more that I care but very little what the Senate shall do with this pending measure. It has been remarked before that it does not meet any one of the necessities which hitherto we have all insisted were the necessities that confronted the country. Those two necessities were, first, that as the privilege of banking was a monopoly the monopoly ought to be uprooted, and second, that you have a large amount of national paper afloat, on its face payable on demand, but not paid in fact. The two labors we assigned to ourselves when we came here were, first, destroying this monopoly, and second, redeeming the national faith as it is borne on the face of these legal-tenders. Your bill ignores both these points. It proposes what you call a redistribution of the bank circulation. On that point I have simply to say what I have said repeatedly. If our friends of the East are perfectly willing to allow a redistribution, I accept it; I do not want to snatch at it; and if you give it to us I do not want you to make faces at us. If you think it is an act of justice due to the West and the South, then do justice and do it like men. If you think justice does not require it, then hold on to it. If you got no more than belongs to you, abide by that position. I cannot bear to accept this redistribution and then be taunted for doing so. I suppose if I was very hungry and entirely destitute of money, and my friend from Vermont was to offer me a quarter of a dollar to buy a lunch with, I should take it; but if I saw when he handed me the quarter of a dollar that he was going to spit at me as a beggar if I did take it, I would go hungry a little longer. So I think I will not snatch at this proffer that is now made to us. I will wait and see what the Senate will do about it. If they give it

to us, I think I had better take care that the record shall show it was their act and not mine.

Mr. SCHURZ. I do not intend to prolong this debate, Mr. President; in fact I have neither the strength nor the disposition to do so; but I merely want to state in a few words my position with regard to this bill.

I expect this bill will pass Congress, and what I might say would have little effect either way. There are some provisions in it which I approve of; among others the redistribution of the currency—this for two reasons: In the first place it will, in part at least, remove that injustice which has grown up under the law as it now stands; and in the second place it will dispel some of the delusions which seem to exist here and there, especially in the Western and the Southern States. I should therefore gladly vote for that feature of the bill and desire it to become the law of the land. In fact I have voted several times for it. There are, however, other things in this bill, and especially one which will scarcely permit me to support this particular measure as a whole. The one I refer to particularly is this: This bill legalizes the issue of part of what was called the \$44,000,000 reserve. I for my part with other Senators have always considered that so-called reserve no reserve at all, but upon conscientious investigation of that subject I have believed, and do now firmly believe, that the \$44,000,000 were retired, canceled, destroyed, wiped out as part of the legal-tender circulation, and could not legally be put out again.

I hold also, as a logical consequence, that any *ex post facto* enactment legalizing the reissue of any part of those retired United States notes would amount virtually to a fresh issue of irredeemable paper currency as a legal tender in time of peace, which, looking at it from the point of view of constitutional power or of sound policy, I cannot give my assent to, directly or indirectly.

Conscientiously holding this view, I cannot vote for any measure pretending to legalize the reissue of any part of the so-called forty-four million reserve instead of providing for the retirement of the amount illegally issued.

Having paired off with the Senator from Illinois now absent, [Mr. LOGAN,] before he went West, upon all questions concerning finance, upon the assumption that he and I would naturally be on opposite sides, I shall have to abstain from voting.

Mr. MORRILL, of Vermont. I shall vote against this bill because it is direct expansion. There is some difference of opinion in relation to the propriety of keeping reserves when banks are upon a specie basis. I think myself that then it might be well left to the discretion of every banker. But here we have a national banking system which provides that banks in the country shall have 15 per cent. of reserve and in the cities 25 per cent. That has hitherto kept out of circulation about \$100,000,000. Now it is proposed to obliterate that provision of law so far as the circulation is concerned; and that will, of course, throw that amount into circulation in addition to the sum that heretofore has been authorized. It is solely on the ground of this and the other provision in relation to legalizing what has been misallotted the reserve of \$44,000,000 that I shall vote against the bill.

Mr. MORTON. Mr. President, at almost every step in this discussion for four or five months, to every request that has been made in behalf of free banking or for some extension of the national-bank currency, to give banking facilities to States that had not their full share or had not what they required, we have been met by the most liberal propositions to take twenty-five, forty, or fifty millions from the Eastern States—to take what we wanted. These offers have been made in a most magnificent manner from time to time.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. MORTON. Allow me to go on. I always knew that so far as my State was concerned upon the basis of the distribution of the act of 1865, a redistribution would give Indiana but very little; it would not meet the demand and the necessity that exist there. But other States were in a different situation. I confess that when these generous offers were made from time to time I had a secret apprehension that if it should ever come to pass that a vote must be taken upon anything like fair distribution or approaching a fair distribution of this currency, the Senators who made these liberal and generous offers would find some unfortunate thing in the bill, that had crept in either by accident or in the night when nobody was looking after it, which would prevent them from voting for it. Now I shall await this vote with a great deal of interest to see whether my apprehension on that subject will be realized. My friend from Vermont said that he would vote for the other bill, the bill not before the Senate, but I should be afraid—

Mr. EDMUNDS. I did vote for it.

Mr. MORTON. My friend voted for it under circumstances when he did not expect it to pass, and when there was no prospect of its passage; but now for the first time there is a prospect for the passage of a redistribution bill, and my friend finds good and sufficient reasons why he will vote against it, and I have always been afraid that he would.

But he says another thing. He does not admit that the law requires a redistribution or that the States of the West and South failed to get what they were entitled to under the law. He does not admit that; but he intimates that he is willing we should have this as a matter of favor, as a matter of compassion, a gratuity, like a toy thrown to a querulous or unhappy child. I do not believe any of the Western or Southern States want it upon that ground.

Now, what is the simple fact about it? When the first act was passed authorizing \$300,000,000 of national-bank notes and providing for their apportionment among the several States upon a certain basis, the law contemplated that whatever was apportioned to any particular State should stand to the credit of that State until that State was prepared to take it, whether it was this year, or next year, or five years hence. But what was the result? After the law was passed and the system went into full operation, States in the West and South, owing to their condition resulting from the war and from other causes, were not prepared to step in and to take all of it the very first year, and a certain Treasury officer gave a construction to the law that enabled the Eastern States to come in and take what these Western States could not take of their own share the first year, and they did so. That is the whole of it. I do not blame the people of New England for it. I have said so repeatedly. A Treasury officer said they were entitled to it. I do not blame men of capital for coming in and taking it when they thought they could make their capital profitable by that kind of investment. But that did not change the right or change the law. And now we are told at this late hour, after ten years have passed by, when there is a prospect of the passage of a law making an imperfect distribution, now \$25,000,000 short of what the Comptroller of the Currency reported is necessary to make a full distribution, we are told, "You are not entitled to it under the law, but we are willing you should have it, provided the other parts of the bill were right, which unfortunately they are not."

Mr. President, the Senator from Vermont [Mr. MORRILL] said that this is a measure of expansion. Well, to the extent that it liberates legal-tender notes which are now required by law to be held in the vaults of the banks; it is expansion, and \$30,000,000 of old notes set free are a great deal better than \$18,000,000 of new notes put into circulation. I have never been in favor of making new notes and putting them into circulation beyond the limit the law has fixed.

The Senator says further that it is expansion in this, that it requires the \$382,000,000 of legal-tenders to be kept in circulation, and that some millions out of the \$26,000,000 issued last fall have already been retired by the Secretary of the Treasury. If that is true, the country does not know it; but the threat of that retirement is hanging over the country, and perhaps more than almost any other cause depresses the business of this country. If some millions have already been retired, this law will require them to go out, because the plain intention of this law is that the legal-tender circulation shall be \$382,000,000, of course saving the necessary and ordinary currency balance in the Treasury, and the currency balance is always counted in the monthly statement as a part of the circulation, and justly so.

I am criticised for saying that this is not a finality. Do those Senators who have talked so long and so earnestly about specie payments contend that it is a finality? A law that will deny to the State of Indiana the right to establish banks of her own and will not give to her national banks—a great and growing State—can hardly be called a finality. I can say that here and now. We shall hear a great deal said about specie payments, the repeal of the legal-tender act, the hoarding of gold in the Treasury, and the selling of our bonds in Europe to get gold. I have no doubt all that is to be talked of before the people, as well as free banking and such enlargement of the bank system as will enable us to meet the developments of the nation.

This, Mr. President, is all I have to say.

Mr. EDMUNDS. Mr. President, the Senator from Indiana says that the original law provided that this distribution of banking facilities among the several States according to population and wealth, should be a perpetual provision which was to be set apart for the credit and benefit of the particular State and was never to be withdrawn from it. I should be very glad if the Senator from Indiana had pointed out to us any such provision in the act relating to the national banks. No doubt it is my ignorance, but I should be glad to have him or any member of the Committee on Finance or of this conference committee point out, what has never been asserted before, that the law provided this apportionment among the several States should be an apportionment made once forever, and that none of the currency should be issued except to the States who by that apportionment were to take it, whether they wanted it or not. There is not any provision of that kind in the statute that I ever heard of. If there is, I should be glad to hear some gentleman read it.

Mr. SHERMAN. The law of 1863 contained that provision; the law of 1864 did not, which I see the Senator has before him. The act of March 3, 1865, restored the old provision. If the Senator has the act of March 3, 1865, he will find that the old provision for distribution was restored; and that was long before there was any considerable issue in any of the States.

Mr. EDMUNDS. Does the Senator mean to say that the law provided that this currency should only be issued to the States in accordance with their wealth and population, and therefore that the issue to the States in excess of their proportions respectively on the basis of wealth and population was an illegal issue?

Mr. SHERMAN. I would prefer to show the Senator the statute.

Mr. EDMUNDS. The Senator prefers not to answer the question; that is the short of it.

Mr. SHERMAN. I will furnish the statute to the Senator.

Mr. EDMUNDS. The Senator has been at the head of the finances of this nation legislatively for a good while, and I should be glad to have the country know from him whether when we were trying to carry on

the war and pay off the debt that accrued out of it, and when some States did not or would not or could not come forward and get their bonds and take circulation, and thus furnish means to the Government to pay off its obligations, the law was invaded by the Secretary of the Treasury allowing other States that could to establish banks. Was that a violation of the statute? I want to know if the Secretary of the Treasury committed an act of such immense importance as that when the law set apart, as the Senator from Indiana says it did, to each one of the States a given quota which was to stand to its credit until the crack of doom, and leave the soldiers of this Republic to go unpaid for the want of currency to pay them in, to be got by the purchase of bonds and then their deposits here? I should be glad to know it. I should be glad to have it understood now, because it certainly ought to make a great difference in the judgment of just men all over the country in respect to this question of redistribution, whether you are merely correcting a gross irregularity and illegality of conduct on the part of the Secretary of the Treasury, and of robbery on the part of the States that took more than population and wealth pointed out for them to take in the first instance, or whether when a State which was offered that proportion declined to take it, it was lawful for a citizen of some other State to come forward and say: "I will take your bonds and give you the money to pay your soldiers." It is worth knowing; and as it has been boldly stated on this floor, I demand the authority of the statutes under which such an assertion is made. I should be glad to have the people be able to read such a statute, and have it appear in our debates. I never heard the Senator from Ohio say that that was the law. I never heard any person say it was the law until now, for the first time, it has fallen from the lips of the Senator from Indiana, who did not do us the honor to make any reference to the statute on which he relied for any such proposition. He said that that was the true construction of the law. I should be glad to see where the clause is in that law which bears that construction.

The Senator from Ohio says the act of 1864 did not contain it, but the act of 1865 did. I fail to see in the act of 1865 anything that contains it. Perhaps the Senator can reason it out. I will not take his time on that subject. He can do it himself. I beg leave to say that it is rather late in the day to put a construction of that character upon these statutes of the United States—rather late in the day, ten years afterward—to discover that this currency was put out illegally by the Secretary of the Treasury, and that you got your money to pay your soldiers with through a robbery committed by the Secretary of the Treasury and the people of the Eastern States upon the Western States in their purchasing of bonds and depositing them for circulation to do this thing with. It may be so, but it is a thing that has not been discovered until now.

Mr. SHERMAN. I do not want to be drawn into this debate, but the Senator appealed to me as a member of the Committee on Finance, and I feel bound to read him the law. I find it in Brightley's Digest:

And that \$150,000,000 of the entire amount of circulating notes authorized to be issued shall be apportioned to associations in the States, in the District of Columbia, and in the Territories, according to representative population, and the remainder shall be apportioned by the Secretary of the Treasury among associations formed in the several States, in the District of Columbia, and in the Territories, having due regard to the existing banking capital, resources, and business of such States, District, and Territories.

The reference is to the act of March 3, 1865, 18 Statutes, page 498.

Mr. EDMUNDS. I suppose nobody doubts that that is the way the act of 1865 reads, and nobody doubts how the act of 1863 and the act of 1864 read. That is not the question. The question which the Senator from Ohio does not answer is what in his judgment at the time, and what in his judgment now, and what in the judgment of everybody for the last ten years the honest interpretation of that statute is; and to that the Senator gives no answer. I could have read the statute myself; I had it in my hand. I said that I failed to discover in this statute authority for the assertion of the Senator from Indiana; that was all; and I asked Senators to point out how it meant that. That they do not do. But I am taking too much time about that; it is only incidental.

I only wish the Senator from Indiana, who impugns the honor and fidelity of Senators from the Eastern States on this subject of redistribution, to remember, as others will remember if he does not, that time after time in this Senate the Senators from the Eastern States at this session have voted solid in favor of a distinct proposition to be enacted into the form of a law for this redistribution unembarrassed by the poisonous sauce that this conference committee has surrounded it with and poured over it, but in a way that nobody could object to it upon the merits and nobody did; and the honorable Senator from Indiana and all forces that he could muster, enough to beat it, voted directly against it.

Mr. President, in that point of view I shall leave it to the future to determine whether it is the Senator from Indiana or whether it is I who history will pronounce to have acted the part of a demagogue upon this question. I do not say that either of us has. I only say in reply to the imputations of the honorable Senator that it may be determined hereafter when his acts and not mine, for he is great and I am humble, are drawn into public consideration—it will be for the future to determine how large the good faith and how large the direct fidelity to a straight and square object has been which has brought him to vote constantly against this proposition when it was

not coupled with other things which have nothing to do with it, and which we believe to be injurious to the public welfare, has been consistent with the interest that he now seems to feel, and undoubtedly does feel, in favor of this redistribution which is to carry prosperity and greenbacks to the pockets of those who do not possess either.

Mr. SARGENT. In accordance with the general understanding of the Senate, the hour of four o'clock having arrived, I now move that the Senate proceed to the consideration of executive business.

Mr. WRIGHT. Will not the Senator from California let us take the vote on this question?

Mr. SARGENT. If the debate stops and we can take the vote I will not object; otherwise I do object.

The PRESIDENT *pro tempore*. Is the motion withdrawn?

Mr. SARGENT. Until the roll is called.

The PRESIDENT *pro tempore*. The question is on agreeing to the report of the conference committee.

The question being taken by yeas and nays, resulted—yeas 43, nays 19; as follows:

YEAS—Messrs. Alcorn, Allison, Bogy, Boreman, Carpenter, Chandler, Clayton, Conover, Cooper, Cragin, Davis, Dennis, Ferry of Michigan, Gilbert, Goldthwaite, Gordon, Harvey, Hitchcock, Ingalls, Johnston, Kelly, McCreery, Merrimon, Mitchell, Morton, Norwood, Oglesby, Patterson, Pease, Pratt, Ramsey, Ransom, Robertson, Scott, Sherman, Sprague, Stevenson, Thurman, Tipton, Wadleigh, West, Windom, and Wright—43.

NAYS—Messrs. Anthony, Bayard, Boutwell, Buckingham, Edmunds, Fenton, Flanagan, Frelinghuysen, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Jones, Morrill of Maine, Morrill of Vermont, Sargent, Stewart, Stockton, and Washburn—19.

ABSENT—Messrs. Brownlow, Cameron, Conkling, Dorsey, Ferry of Connecticut, Howe, Lewis, Logan, Saulsbury, Schurz, and Spencer—11.

So the report was concurred in.

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 and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2109) for the protection of the United States custom-house in the city of Louisville, Kentucky;

A bill (H. R. No. 3000) for the relief of Samuel W. Davidson, Henry Smith, John Gray Bynum, and others; and

A joint resolution (H. R. No. 108) in regard to the lower pier at Chester, Pennsylvania.

HOUSE BILL REFERRED.

On motion of Mr. STEVENSON, the bill (H. R. No. 2109) for the protection of the United States custom-house in the city of Louisville, Kentucky, was read twice by its title, and referred to the Committee on Appropriations.

RIVER AND HARBOR BILL.

The PRESIDENT *pro tempore*. The bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, is before the Senate as in Committee of the Whole.

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

Mr. CHANDLER. I hope the Senate will not go into executive session until they finish the river and harbor bill.

The PRESIDENT *pro tempore*. The Chair asks indulgence of the Senate before putting the question on the motion for an executive session to dispose of business on his table.

Mr. SARGENT. I have no objection to that.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, communicating the official report of the delegates selected to represent the United States at the eighth session of the international statistical congress, held at Saint Petersburg in August, 1872, by invitation of the Emperor of Russia; which was ordered to lie on the table and be printed.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of the Interior, transmitting, in obedience to law, the report of the surveyor-general of New Mexico on land grant to Francisco Montes Vigil, reported as private land claim No. 91, for the town of Alameda tract, in Bernalillo County, New Mexico; which was referred to the Committee on Private Land Claims.

STATISTICAL ATLAS OF NINTH CENSUS.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives (the Senate concurring). That the three thousand copies of the Statistical Atlas of the United States based on the results of the ninth census, now being compiled by Francis A. Walker, the publication of which is provided for by act of March 3, 1873, shall be distributed for public and official use as follows: twenty-five copies for the President; six hundred copies for the Senate; twelve hundred copies for the House of Representatives; two hundred and twenty-five copies for the State Department, and for transmission to United States legations and the more important consulates abroad, and to the legations of foreign governments in Washington; seventy-five copies for the Treasury Department; forty copies for the War Department; twenty-five copies for the Navy Department; twenty-five copies for the Department of Justice; twenty-five copies for the Department of Agriculture; six hundred copies for the Department of the Interior for its use and distribution among the executives of the several States, and libraries of literary institutions; sixty copies for the Library of Congress, State libraries, and one hundred copies for Francis A. Walker.

Mr. ANTHONY. I move that the Senate agree to that resolution. It merely provides for the distribution of a book already ordered to be printed.

The resolution was considered and agreed to.

RAYMOND'S MINING REPORT.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring.) That of the report of R. W. Raymond on mining statistics, with the accompanying engravings, there be printed three thousand copies for the House, two thousand for the Senate, one thousand for the Treasury Department, and one thousand for the Commissioner.

EDUCATION REPORT.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved, (the Senate concurring.) That there be printed twenty thousand copies of the report of the Commissioner of Education, five thousand of which number shall be for the use of the Commissioner, five thousand for the use of the Senate, and ten thousand for the use of the House of Representatives.

TRANSPORTATION REPORT.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed six thousand copies of the report, with appendix and evidence of the Select Committee of the Senate on Transportation to the Sea-board, four thousand of which shall be for the use of the House of Representatives, and two thousand for the use of the Senate.

Mr. ANTHONY. We passed a resolution this morning for a different distribution of that document and the printing of a less number of the evidence.

Mr. SARGENT. I think it had better go to the Committee on Printing.

The resolution was referred to the Committee on Printing.

AMENDMENTS TO AN APPROPRIATION BILL.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, submitted an amendment intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. COOPER, Mr. BOUTWELL, Mr. STEVENSON, and Mr. MITCHELL submitted amendments intended to be proposed by them to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. CLAYTON, from the Committee on Military Affairs, submitted an amendment intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations, and ordered to be printed.

LOUISVILLE CUSTOM-HOUSE.

Mr. STEVENSON. If the Senator from California will yield the floor to me for a moment, I wish to report from the Committee on Appropriations a bill and ask that it be put on its passage.

Mr. SARGENT. I believe that will lead to no discussion.

Mr. STEVENSON. None.

The Committee on Appropriations, to whom was referred the bill (H. R. No. 2109) for the protection of the United States custom-house in the city of Louisville, Kentucky, have directed me to report it without amendment, and I ask for its present consideration.

The bill was read.

Mr. EDMUNDS. The same principle that I acted upon this morning compels me to ask that that bill shall go over. If we are ever going to do anything with the Calendar, we must go to it.

Mr. STEVENSON. I ask that the bill be put on its passage. It is absolutely essential that this should be done.

Mr. EDMUNDS. What difference does it make whether it is done to-day or to-morrow?

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

HOUSE BILLS REFERRED.

The bill (H. R. No. 3762) to amend the act entitled "An act for the erection of a public building for the use of the United States in Atlanta, Georgia," was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

The joint resolution (H. R. No. 8) in regard to the lower pier at Chester, Pennsylvania, was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. R. No. 112) directing the Public Printer to keep an account of all expenditures for printing, mailing, and binding the CONGRESSIONAL RECORD, &c., was read twice by its title, and referred to the Committee on Printing.

The bill (H. R. No. 3761) directing the Secretary of the Treasury to report upon the necessity of a public building at the city of Auburn, New York, was read twice by its title.

Mr. FENTON. I ask that the Senate act on that bill now. It is merely a bill directing an inquiry, and is in a very few lines.

Mr. EDMUNDS. The same honor that I owe to other gentlemen compels me to stand by the Calendar.

Mr. FENTON. Then let the bill be referred.

The bill was referred to the Committee on Public Buildings and Grounds.

The bill (H. R. No. 3477) for the relief of Nelson Tiffany was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. No. 3000) for the relief of Samuel W. Davidson, Henry Smith, John Gray Bynum, and others, was read twice by its title, and referred to the Committee on Indian Affairs.

The joint resolution (H. R. No. 113) making an appropriation for the purchase and restoration to the family of the Marquis de La Fayette of the watch presented to him by General Washington was read twice by its title.

Mr. BUCKINGHAM. I ask that that be put on its passage.

Mr. EDMUNDS. I object.

The joint resolution was referred to the Committee on Foreign Relations.

The bill (H. R. No. 3757) for the transfer of twenty condemned bronze cannon for the erection of a statue to the late Major-General George Gordon Meade, was read twice by its title.

Mr. SCOTT. I am requested by the gentlemen having in charge the erection of that statue to ask the immediate consideration of the bill.

Mr. EDMUNDS. I object.

The bill was referred to the Committee on Military Affairs.

The bill (H. R. No. 2032) to amend the act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872, was read twice by its title, and referred to the Committee on Mines and Mining.

The bill (H. R. No. 2700) amendatory of the act entitled "An act for the relief of the heirs and next of kin of James B. Armstrong, deceased," approved March 3, 1873, was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. No. 3132) authorizing the Secretary of War to deliver certain condemned ordnance to the municipal authorities of Lexington, Massachusetts, for monumental purposes, was read twice by its title.

Mr. WASHBURN. I hope that will not be required to be referred. It is merely allowing certain pieces of ordnance to be granted to Lexington as has been done in other cases.

Mr. EDMUNDS. Such bills have always been referred. I object for the same reason that I have done so before. I do not see why bills should be passed now when others reported long ago are waiting.

The bill was referred to the Committee on Military Affairs.

The following bills were severally read twice by their titles and referred as indicated below:

The bill (H. R. No. 3182) for the relief of the heirs of James Barnett, deceased—to the Committee on Military Affairs.

The bill (H. R. No. 3749) to provide for the reapportionment of the Legislative Assembly of Idaho Territory—to the Committee on Territories.

The bill (H. R. No. 3756) to appoint a commission to establish the rights of the former slaves in the Choctaw and Chickasaw countries, and their descendants, and to submit the same to Congress—to the Committee on Indian Affairs.

EXECUTIVE SESSION.

Mr. SARGENT. I move that the Senate proceed to the consideration of executive business. I need not remind Senators that this motion is in accordance with an understanding arrived at a few days ago.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from California.

The motion was agreed to, there being on a division—ayes 34, noes 7; and the Senate proceeded to the consideration of executive business. After one hour and forty minutes spent in executive session the Senate (at six o'clock p. m.) took a recess till half past seven o'clock p. m.

EVENING SESSION.

The Senate reassembled at half past seven o'clock p. m. in executive session. After two hours and twenty-three minutes spent in the consideration of executive business the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had concurred in some and non-concurred in other amendments of the Senate to the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes; and agreed to other amendments of the Senate with amendments, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. N. TYNER of Indiana, Mr. J. B. PACKER of Pennsylvania, and Mr. S. S. MARSHALL of Illinois, managers at the same on its part.

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. 110) for the relief of the East Tennessee University;
A bill (S. No. 954) prohibiting the publication of the revised statutes of the United States in the newspapers at the expense of the United States;

A bill (H. R. No. 2701) to relieve William G. Jones, of Alabama, of political disabilities;

A bill (H. R. No. 3309) granting to the Nevada County Narrow-Gauge Railroad Company a right of way through the public lands for a railroad;

A bill (H. R. No. 3740) to create the Bozeman land district in the Territory of Montana;

A bill (H. R. No. 3417) to relieve Thomas Claiborne, of Tennessee, of political disabilities imposed upon him by the fourteenth amendment to the Constitution of the United States;

A bill (H. R. No. 3332) to fix the term for the election of Representatives in the Forty-fourth Congress from the State of Mississippi;

A bill (H. R. No. 3680) for the government of the District of Columbia, and for other purposes;

A bill (H. R. No. 3748) directing the Secretary of the Treasury to report upon the necessity for a public building at Brooklyn, New York, and the cost of the same.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. MORRILL, of Maine, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes, reported it with amendments.

POST-OFFICE APPROPRIATION BILL.

Mr. PRATT. I move to take up House bill No. 2190, being the bill amendatory of the act granting pensions to the soldiers of the war of 1812, &c.

Mr. CHANDLER. I hope that bill will not be taken up. I hope the Senate will go on with the river and harbor bill and dispose of it.

The PRESIDING OFFICER. (Mr. INGALLS in the chair.) The Senator from Indiana moves to postpone the pending and all prior orders, and proceed to the consideration of the bill indicated by him.

Mr. EDMUNDS. I should like to hear that bill read.

Mr. DAVIS. I hope the motion of the Senator from Indiana will not prevail, and for this reason: We had a vote this morning, and a recess was taken and a session called for to-night for the express purpose of considering the pension bill, the bill which I understand the Senator from Indiana now proposes to call up.

Mr. PRATT. Yes, sir.

Mr. DAVIS. We came here this evening for that purpose. The subject was brought before the Senate this morning, and by a large vote, I believe by a majority of fifteen, the Senate determined to come here to-night for the purpose of taking up that bill.

Mr. CHANDLER. I have been striving ever since Monday morning at twelve o'clock to get action on the river and harbor bill. We now have one day more of the session, and it is absolutely certain that the river and harbor bill must go to a conference committee, and unless it is taken up now and perfected and passed to-night, there is very grave doubt whether it will pass at all. If the river and harbor bill has any friends here I trust they will stand by it. I hope the motion of the Senator from Indiana will not prevail, but that the friends of the river and harbor bill will stand by it. If it has no friends, let it go.

Mr. WEST. The House of Representatives having acted upon the amendments of the Senate to the post-office appropriation bill, concurring in some and non-concurring in others, and agreeing to others, with amendments, and asked for a conference, I move that the Senate insist on its amendments and agree to the conference, and that the conferees on the part of the Senate be appointed by the Chair.

Mr. EDMUNDS. I should like to know what the state of the question is on the post-office appropriation bill before we lump it in that way.

The PRESIDING OFFICER. The pending question is on the motion of the Senator from Indiana to postpone the pending and all prior orders and proceed to the consideration of House bill No. 2190.

Mr. WEST. I am aware of that; but I presume the Senate will entertain a motion to appoint a committee of conference at any time. It can be submitted to the Senate if it is necessary.

The PRESIDING OFFICER. Is there objection to the motion made by the Senator from Louisiana?

Mr. EDMUNDS. I want to hear the communication from the House of Representatives read, if it is not offensive to the Senator, to know what it is that we are to have a conference about.

Mr. WEST. The Senator is very ingenious in finding offense. I do not find any offense.

The PRESIDING OFFICER. The Chair will lay before the Senate a message from the House of Representatives in relation to the post-office appropriation bill.

The Chief Clerk read the action of the House of Representatives, as follows:

IN THE HOUSE OF REPRESENTATIVES,
June 19, 1874.

Resolved, That the House concur in the amendments of the Senate to the bill

(H. R. No. 3004) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, numbered as follows: 1, 3, 4, 7, 9, 10, and 11.

That the House non-concur in the following numbered amendments, namely, 2, 5, 6, 13, 14, 15, 16, and 17.

That the House concur in the following amendments of the Senate to said bill, with amendments, as follows:

Eighth amendment.—After the word "publications" in line 6 of said amendment strike out the words "four cents" and insert "issued weekly and more frequently than once a week, one cent and five mills," and after the word "thereof" in line 7, insert "and on those issued less frequently than once a week, three cents for each pound or fraction thereof."

Twelfth amendment.—In line 1, after "Postmaster-General" insert "when in his judgment it shall be necessary," in line 17, after the word "do" insert "and shall thereafter without having taken such affidavit, deposit any newspapers in the mail for transmission," and in lines 21 and 22 between the words "any" and "person" and "any" insert "matter," insert the word "such," and in line 24, after the word "done" insert "with the intent to avoid the prepayment of postage due thereon;" after the word "any" in line 25 insert "such," and in lines 29 and 30, strike out the words "less than \$100 nor" and in line 31 strike out the words "three years" and insert "one year."

That the House ask a conference with the Senate on the disagreeing votes of the two Houses on said bill.

Ordered, That Mr. TYNER, Mr. PACKER, and Mr. MARSHALL, be the managers of the conference on the part of the House.

Mr. EDMUNDS. I should be glad to have the Senator in charge of this bill explain to us what are the open questions between the two Houses, in order that we may understand what it is we are to have a conference about. The Chair will remember that to-day we had some discussion on the matter as to whether the conferees on the currency bill acted within the line of their duty, and I think it quite desirable that we should know in this instance, not more than in any other, what it is we are submitting to a conference between the two Houses. The Senator from Louisiana can explain it to us, if he can be heard, I have no doubt in a very short time.

Mr. WEST. The only point involving an appropriation in the bill from which the House disagrees with the Senate is an amount of \$700. So with respect to money that is the only difference. The main open question with regard to general legislation is the disagreement of the House of Representatives to the amount fixed by the Senate as postage upon newspapers, the House determining that one and one-half cents a pound shall be enough, but the Senate holding to the opinion that four cents a pound is proper. There are some minor matters in connection with the details of that difference, but nothing more than that, I understand.

Mr. EDMUNDS. What is the state of the question as respects transmitting the RECORD through the mails?

Mr. THURMAN. That is in amendment numbered 17. That is non-concurred in.

Mr. EDMUNDS. That is open. What is the state of the other postage question as to the transmission of public documents already printed?

Mr. THURMAN. That is in the same section and non-concurred in.

The PRESIDING OFFICER. What is the motion made by the Senator from Louisiana?

Mr. WEST. That the Senate insist on its amendments non-concurred in by the House, disagree to the amendments of the House to other amendments of the Senate, and agree to the conference asked by the House.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the committee of conference on the part of the Senate; and Messrs. WEST, RAMSEY, and SHERMAN were appointed the conferees.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. CLAYTON. I desire—

Mr. STEVENSON. I rise to a question of order. The pending question, as I understand, is on the motion of the Senator from Indiana to take up the pension bill.

The PRESIDING OFFICER. But by unanimous consent the motion of the Senator from Louisiana was entertained.

Mr. STEVENSON. Only that. Now comes the Senator from Arkansas with a motion.

Mr. CLAYTON. I only desire to submit an amendment to an appropriation bill. I desire to give notice of an amendment to be moved to the bill (H. R. No. 3600) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes.

The amendment was referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Indiana to lay aside the pending and all other prior orders and proceed to the consideration of House bill No. 2190.

Mr. MORRILL, of Maine. May I inquire what the pending business is?

The PRESIDING OFFICER. The river and harbor appropriation bill.

Mr. MORRILL, of Maine. I believe that there seems to have been a pretty general understanding all along that the appropriation bills should take the precedence in the order of business, and we have arrived now at that late day of the session, almost in the last hours of the session, when if we do not observe that rule I am very sure we shall not be in a condition to adjourn on the 22d instant.

I have no right to know of course what the proposition is which is to supersede this appropriation bill, but I should regret extremely that it should be found necessary to displace an appropriation bill at this particular time, so late in the session, for any matter of legislation whatever. Unless the House of Representatives should change their position on the subject, we shall adjourn on the 22d instant. We have no right to know that we shall not. If after we have passed the appropriation bills, it shall be found that the public necessity is so great as to require further delay, that may be very well, but certainly we cannot afford for any general legislation whatever to postpone the consideration of an appropriation bill at this time of the session. To-morrow morning, or during the session of to-morrow, I shall ask the Senate to proceed to the consideration of the sundry civil appropriation bill, which is a large bill and will require a good deal of attention. It seems to me that the Senate cannot afford to lay aside the bill which the Senator from Michigan has under his charge.

Mr. CHANDLER. The Committee on Appropriations have already served notice on the Committee on Commerce that they will call up what is known as the omnibus bill to-morrow morning, and will antagonize it against the river and harbor bill, and I hope the Senate will to-night complete that bill. I ask the Senate to stand by the river and harbor bill.

Mr. STEVENSON. I gave notice the day before yesterday that I should ask for a night session to-night for this purpose, and the Senator from Michigan has no right to ask us to consider the river and harbor bill to-night. He would have adjourned at six o'clock and his bill would have gone over until to-morrow. The day before yesterday I gave notice of a night session to-night for a particular purpose and I hope every friend of the pension bill will stay here and give us a vote on it. Let us have a fair vote. If the majority of the Senate is in favor of the river and harbor bill to-night I shall say amen. If they are in favor of the pension bill, it will not take us five minutes to pass it.

Mr. PRATT. The bill now moved, as I had occasion to say to-night, has been pending in the Senate since the middle of March last. The Senate will bear me witness that I have attempted time and again to bring this bill before the Senate for its consideration. I made an appeal yesterday and stated the grounds. When to-day the Senator from Kentucky moved that we take a recess from six o'clock until half past seven, my understanding was that that motion having followed a speech upon the importance of disposing of this bill, it was the understanding of the Senate that this night should be devoted to its consideration. I came up here for that purpose, and I do not think that the consideration of the bill will occupy any great length of time. There are but three propositions in it. It is a bill amendatory of the act of February 14, 1871, which gave pensions to a certain class of the soldiers of the war of 1812 against Great Britain. That law limited the pensioners to those who had served sixty days. This bill which the House sends us admits all soldiers of the war of 1812.

The PRESIDING OFFICER. The Chair would suggest to the Senator that a discussion of the merits of the bill is not in order on the motion to take it up.

Mr. PRATT. I was not stating the merits of the bill but simply what the bill contained. However, if I am out of order, I will not pursue that line of argument any longer. All I wish to say is that I think it is due to the persons who are beneficiaries of this bill that they should have a hearing at the present session. I think that this bill has been set aside long enough. If it is crowded now into the last hours of the session whose fault is it? Certainly it is not mine. As the chairman of the Committee on Pensions I reported this bill more than a month ago, and took occasion then to explain its merits in a speech of half or three-quarters of an hour. Since that time I have repeatedly made an appeal to the Senate to take it up for consideration. I hope therefore that we shall have a vote, and a vote that will indicate who are the friends of this bill.

Mr. SCOTT. I am not willing that the last remark of the Senator from Indiana shall pass without a word of reply. He says he hopes that this vote will indicate who are the friends of this bill, who are willing to have it considered. Now, Mr. President, I suppose that no Senator here is unwilling that the merits of the bill shall be considered, and I rise to express my regret that the chairman of the Committee on Finance is not in his place, because I think that there is another very serious question in this bill, or in this motion, and it is this: We now have before us the appropriation bill for the purpose of keeping in repair the harbors of the country, and of removing obstructions from the navigable rivers of the country; in other words, will we lay aside at this period of the session a bill which is necessary to be passed in order that our harbors may be kept open so that we may receive revenues enough to pay the pensions we are already liable to pay, and receive revenues enough to carry on the other operations of the Government? Will we lay aside this bill, and have our harbors filled up for want of appropriations so that our commerce cannot be carried on? That is just as important a question to be considered on this motion as who are the friends of this bill when we get it before us, and I hope that some attention will be paid to those appropriations which are necessary to enable the Government to go on and pay the pensions that others are now looking for, as well as those who are interested in this bill.

I trust, sir, that we shall stand by the chairman of the Committee on Commerce at present, and enable him to get through the river and

harbor bill so that these great public works necessary to keep the Government in operation shall not fail for want of appropriations.

Mr. FLANAGAN. I for one am going to stand by the chairman of the Committee on Pensions on this occasion, and he is found in his seat. Our distinguished friend, the chairman of the Committee on Finance, is generally there; but he is absent to-night, when it is very well known to the Senate that there is no Senator here but what understood from a vote that we had upon this subject that this question was to be taken up at half past seven this evening.

Mr. FERRY, of Michigan. Let me remind the Senator from Texas that my colleague, the chairman of the Committee on Commerce, who is so modest, whose bill is now being criticised by the Senator who is on his feet, is in his seat and pressing the consideration of the river and harbor bill.

Mr. FLANAGAN. I am very well aware of that; and complimentary to him it is to say that he is always there, particularly when rivers and harbors are spoken of. There is no doubt about that. Every Senator is well aware of that fact. I will stand by him in due time. There is no danger, as expressed by my distinguished friend from Pennsylvania, on the subject of the appropriation bills. They will be passed beyond a doubt. It is very questionable, however, from the indications that I see here, whether they will not cover up and smother out a proposition to do justice to a class of men that it is very hard to vote against. There is not a Senator here who is not immediately representing the class that it is now proposed to benefit, and they are worthy. As to the millions of money that are spoken of that it will require to do them justice, I care not what the amount may be; the millions will be well appropriated, better than they will be in many instances in the river and harbor bill, or in any other great measure that you can speak of.

It is hard to "kick against the pricks;" it is hard to vote against the old soldiers. They have been the life of this country from its earliest to its latest period of history, and we must do them justice, and I have no hesitation in saying justice will be done them; and this is the proper time, now is the time to take up and act upon this bill, and I am confident it will be done.

Mr. MORRILL, of Vermont. I suppose it is not unknown to all the Senate that the appropriations for the coming year are very likely to exceed the amount of our revenue. The bill proposed by the Senator from Indiana is likely to add to the burdens of the Treasury, as I have understood, some \$15,000,000.

Mr. WEST. How is that?

Mr. MORRILL, of Vermont. I think it is very much better that we should take up some measure that will add something to the resources of the Treasury rather than diminish them. I make an appeal in behalf of what is known as the little tariff bill, and if I can get votes enough for it we will take that up and consider it to-night or immediately after the river and harbor bill is disposed of.

When we came here to-night I did not suppose that the Senate were committed to any measure. I thought that the Calendar was as much open as any other measure. I knew that the Senator from Kentucky [Mr. STEVENSON] was anxious to have his pet measure considered. I also knew that the chairman of the Committee on Commerce was determined to push his measure through; and there were various other favorite measures that were likely to be called up, and it would be left to the discretion of the Senate as to what they would actually do when they were assembled.

Now, Mr. President, it does seem to me that it is the height of wisdom and statesmanship that we should seek to contribute something to the Treasury rather than to deplete it. I shall therefore move at the first moment that I can that we take up the little tariff bill and consider it to-night, for if it is not disposed of to-night I fear we shall not have any other opportunity to consider it.

Mr. BOREMAN. Mr. President, the Senator from Indiana seems to intimate that he will regard this vote as a test of the friends of the pension bill. I do not think it ought to be so regarded. Certainly in the case of some Senators here it must not be so regarded. This evening we had under consideration the river and harbor bill. I think it is better to get through with one thing at a time and proceed with that bill until we finish it and then take up this bill, if it is not to be considered, as I hope it will be, during this session. I hold, then, that the vote on this motion is not to be a test.

Mr. STEVENSON. I hope it will be a test, and it is a test. No gentleman can escape the test. Gentlemen can vote as they please of course; but it is a test. This bill is not in antagonism with the river and harbor bill. The river and harbor bill gave way to a financial discussion to-day. When I asked for a session to-night it was with the distinct avowal and understanding that the soldiers' bill should have to-night.

Mr. EDMUNDS. There was no such understanding, let me tell the Senator.

Mr. STEVENSON. I beg pardon of the Senator from Vermont; he was not here; he did not hear what I said. I did say that the only object in taking the recess was to have this bill considered, and then the chairman of the Committee on Commerce, that being so, did not propose, nor did any other Senator that I heard of propose to antagonize with this bill. I could not make the motion in a form which would certainly bring up the bill as of course.

Mr. EDMUNDS. I do not object to the Senator from Kentucky stating what his understanding was, but I was here and heard all

that the Senator said, and I have no doubt that his understanding was that he would push this bill through at all times if possible. Nobody misunderstood that. But when we were taking the vote several Senators around me said "we want a session for to-night in order that we may finish these appropriation bills, and therefore we vote for the recess." The Senator therefore has no right to say that there was any understanding that this bill should be considered to-night. We get an understanding by having the Chair put to everybody the inquiry whether there is common consent that a particular bill shall be regarded as in order. The Senator from Kentucky perfectly well understands that. I hope that we shall not be pressed with the consideration that there was an understanding that this bill was to overslaugh the appropriation bills, when the understanding has been on this side of the House for a good while, which I supposed bound us all, that appropriation bills, in the condition of the public business, when they were reached should have precedence over everything; and I say that for the benefit of the Senator from Indiana.

Mr. STEVENSON. One word in reply to the Senator from Vermont. He says he heard what I said. Then he heard in Vermont what I said, because what I referred to as having been said by me was what I said on the day before yesterday.

Mr. EDMUNDS. I beg the Senator's pardon. I was referring to what he said to-day on the same subject.

Mr. STEVENSON. So I presumed. The day before yesterday I rose in my place and said that by the consent of the Senate I would this morning move to appropriate this evening to the consideration of this specific bill. There was no objection, that I heard, from any quarter. I rose this morning and made the motion. I do not mean to say that Senators are committed to it—my friend from Vermont misunderstands me there—I only mean to say that I sought to antagonize with nobody, and that the understanding of the friends of this measure was that it would be considered to-night. I do not believe that we should have had a night session if it had not been for the notice I gave and for the motion I made. That is my distinct understanding, and while I claim that no man is bound and that every man is free in good faith to vote as he pleases, I still must maintain my proposition that but for this motion of mine we should not have been here to-night. No chairman of any appropriation committee said to me "you can move that; but I shall, if necessary, move to take up my bill."

Mr. BUCKINGHAM. I appreciate the position of the Senator from Kentucky and his desire to have this bill passed. I am anxious for it also; I am in favor of having the bill acted upon at the earliest moment even if there is but little money in the public Treasury; but I must say that I thought all these measures which are sought to be brought before the Senate were to give way on account of the public necessity to the regular appropriation bills. It is with that view that I feel obliged to stand by the chairman of the Committee on Commerce and vote against taking up the bill proposed by the Senator from Indiana, although I earnestly desire that the bill should be considered.

Mr. PRATT. I wish to make a single remark in reply to what has fallen from the Senator from Vermont, [Mr. EDMUNDS.] I did not intend in making this motion to antagonize the appropriation bill which was under consideration to-day. I made it upon what I considered was the understanding of the Senate, after the adoption of the resolution on motion of the Senator from Kentucky, that when the Senate took a recess at six o'clock it would meet again at seven and a half o'clock. There was nothing expressly said in that motion or resolution that the Senate would take up for consideration this pension bill this evening; but I think it was generally understood that the appropriation bill would go over until to-morrow, and that this evening would be devoted exclusively to the consideration of this pension bill. It was with that understanding that I made the motion that I did a short time since, and now I wish to have a vote upon that motion. If it is voted down, well and good; I have done my duty. I consider it my duty as the chairman of the Committee on Pensions to omit no opportunity of bringing this bill fairly before the Senate for its consideration.

The PRESIDING OFFICER. The question is on the motion of the Senator from Indiana to lay aside the pending order, which is the river and harbor bill, and all prior orders, and proceed to the consideration of House bill No. 2190.

Mr. CHANDLER and Mr. STEVENSON called for the yeas and nays; and they were ordered.

Mr. CHANDLER. It must be known to every Senator that displacing the river and harbor bill at this time is virtually abandoning it; it loses its place.

The question being taken by yeas and nays, resulted—yeas 29, nays 27; as follows:

YEAS—Messrs. Alcorn, Bayard, Boggy, Cooper, Davis, Dennis, Flanagan, Goldthwaite, Gordon, Hamilton of Maryland, Hamilton of Texas, Hamlin, Johnston, Kelly, Lewis, Merrimon, Norwood, Oglesby, Patterson, Pease, Pratt, Ransom, Robertson, Saulsbury, Sprague, Stevenson, Stockton, Thurman, and Tipton—29.

NAYS—Messrs. Allison, Anthony, Boutwell, Buckingham, Chandler, Clayton, Conover, Edmunds, Fenton, Ferry of Michigan, Frelinghuysen, Hitchcock, Howe, Ingalls, Jones, Mitchell, Morrill of Maine, Morrill of Vermont, Ramsey, Sargent, Scott, Spencer, Wadleigh, Washburn, West, Windom, and Wright—27.

ABSENT—Messrs. Boreman, Brownlow, Cameron, Carpenter, Conkling, Cragin, Dorsey, Ferry of Connecticut, Gilbert, Hager, Harvey, Logan, McCreery, Morton, Schurz, Sherman, and Stewart—17.

So the motion of Mr. PRATT was agreed to.

The PRESIDING OFFICER. The Clerk will report the bill.

Mr. CHANDLER. I now move that the further consideration of the river and harbor bill be postponed until the first Monday in December.

Mr. FLANAGAN and Mr. STEVENSON. I second that motion.

Mr. ANTHONY. That motion is unnecessary. The bill is postponed of course after the vote just taken.

The PRESIDING OFFICER. That bill having been laid aside, the motion is not in order. The Clerk will report the pending bill.

THE CONGRESSIONAL RECORD.

Mr. ANTHONY. I ask consent to make a report. The Committee on Printing, to whom was referred the resolution directing the Public Printer to keep an account of all expenditures for printing, mailing, and binding the CONGRESSIONAL RECORD, have instructed me to report it back without amendment and recommend its passage. I ask for its present consideration.

By unanimous consent, the joint resolution (H. R. No. 112) directing the Public Printer to keep an account of all expenditures for printing, mailing, and binding the CONGRESSIONAL RECORD, &c., was considered as in Committee of the Whole.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

PENSIONS TO SOLDIERS OF 1812.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2190) to amend the act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812, and the widows of deceased soldiers," approved February 14, 1871, and to restore to the pension-rolls those persons whose names were stricken therefrom in consequence of disloyalty.

Mr. MORRILL, of Vermont. Some of my brother Senators think that I rather exaggerated the amount that is involved in this bill. I therefore desire to ask the chairman of the Committee on Pensions whether this bill will not involve the payment of about eleven millions of back pensions and four or five millions annually thereafter as it now stands?

Mr. PRATT. I am not able to answer with anything like precision the question of the Senator from Vermont. I will state that I am instructed by the committee to offer certain amendments to this bill, which will greatly reduce the amount necessary to be appropriated in order to pay these soldiers.

Mr. MORRILL, of Vermont. Then I will ask the chairman of the committee if he thinks the estimate I have given is an exaggerated statement or not?

Mr. PRATT. The bill as it came from the House placed upon the pension-roll all the surviving soldiers of the war of 1812, which would include of course every man who had served a day, and it placed them upon the same footing with those soldiers who served sixty days in the war and who were pensioned under the act of February 14, 1871; but I am instructed by the committee to propose an amendment to the first section of this bill, so that it will limit the pensions that are granted to those who are not already pensioned to the date of the passage of this bill; that is to say, the amendment that I shall propose will give to the surviving soldiers who were not benefited by the law of 1871 pensions from the date of the passage of this bill.

Mr. MORRILL, of Vermont. I hope the Senator will pardon my persistence in the pursuit of knowledge under great difficulties. He seems disinclined to give me any opinion as to the amount. I will therefore ask him whether he has not a statement of the Department itself on this subject, and if he has, I should be glad to know the estimate of the Department as to the amount involved in this bill?

Mr. PRATT. I will cheerfully answer the Senator from Vermont. I applied to the Commissioner of Pensions for an approximate estimate of how much would be required to answer the demands of this bill as it came to the Senate from the House of Representatives; and without having the figures before me, I will state in general terms that he estimated—

Mr. EDMUNDS. Have you not the letter? If you have, you had better have it read, so that we can all hear it.

Mr. PRATT. It has been once read to the Senate. I have it here somewhere among my papers.

Mr. EDMUNDS. I never heard it. Was this bill ever up before?

Mr. PRATT. It was up one day for the purpose of allowing me to explain it.

Mr. EDMUNDS. I should like to hear the letter read. I do not remember to have heard it.

Mr. PRATT. The letter is incorporated in the remarks which I submitted to the Senate on this bill on the 6th of May, and I send a copy of it as printed in the RECORD of the 7th of May, to the Secretary's desk for the purpose of having it read.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) If there be no objection, the letter will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE.

Washington, D. C., April 29, 1874.

SIR: In reply to your inquiries of this date I have the honor to answer as follows: First. At what percentage per annum do the survivors of the war of 1812 on the roll die?

It appears from our records that during the year ending June 30, 1872, of 17,100 survivors on the roll, 604 deaths were reported, or 3.5 per cent. During the year ending 1873, of 18,366 on the roll, 2,036 deaths were reported, or 11.1 per cent.

Of the widows, out of 3,027 pensioned to June 30, 1872, 122 deaths were reported, or 4 per cent. In 1873, of 5,053 on the roll, 222 deaths, or 4.4 per cent. were reported.

It is necessary to add that this statement does not include all those of either class who died during those periods. Deaths are only reported to the office when allowances are claimed. We estimate the actual loss to the roll at about 10 per cent. per annum, though the names may remain upon the record until three years from the date of last payment, when they will be dropped by operation of law.

Second. How does the percentage of deaths increase as they get older? From the foregoing it will appear that we are unable to give reliable information upon this point.

Third. If all the soldiers of that war (1812) should be pensioned, what would be the probable addition to the list?

Basing the estimate upon experience under the act of February 14, 1871, I find that 51,555 soldiers of the war of 1812 would have been entitled at the date of its passage for one day's service. Deducting therefrom 25 per cent. for those since deceased, 12,889, and 16½ per cent. as an allowance for those who, from various causes, will fail to apply, and those who will be unable to prove their claims, 6,445, and I conclude that 32,221 soldiers would be added to the list, an excess of 10,836 over the present roll.

Fourth. If widows who married before 1825 were admitted, how many would be added to the list?

Under date of January 15, 1873, I had the honor to inform you that in the opinion of this office 16,000 widows would become entitled by the extension of the limitation as to marriage down to 1825, the term of service remaining at sixty days. Proper deductions from those figures would be 10 per cent. for deaths, 1,600, and 20 per cent. for incomplete claims, 3,200, leaving 11,200 as the number who would probably become pensioners.

Fifth. If widows married before 1850 were admitted to the pension-list, to what extent would it increase the present roll?

Without claiming a great degree of accuracy for this statement, I place the number at 28,000, assuming that one day's service is intended. At date of 1825 these soldiers had reached an age when most men have formed their domestic relations, and marriages subsequent to that time were principally remarriages.

Sixth. Taking the House bill (2190) as it is, what would probably be the amount of appropriation necessary to meet the increase?

| | |
|---|-------------|
| Survivors to be added, 10,386, at \$96 per year..... | \$1,040,256 |
| Widows to be added, 28,000, at \$96 per year..... | 2,688,000 |
| Removal of disloyalty bar, 464, at \$96 per year..... | 44,640 |
| Total..... | 3,772,896 |
| To pay arrearages, three years..... | 11,318,688 |
| Grand total..... | 15,091,584 |

Mr. EDMUNDS. That is a grand total, certainly!

The Chief Clerk resumed and concluded the reading of the letter, as follows:

Upon the assumption that the claims will be adjusted immediately upon the passage of the act, this amount of appropriation would become necessary. But in fact their settlement would occupy several years, and the arrearages, to a large amount, become payable from future annual appropriations. As \$400 would be required to meet the payment of each new claim admitted during the first fiscal year, if twenty thousand claims are adjusted during that period—and with a proper amount of force this can be done—an immediate appropriation of about \$8,000,000 will be required.

Seventh. How many pensioners of the war of 1812 are now admitted?

| | |
|----------------|--------|
| Survivors..... | 21,385 |
| Widows..... | 6,076 |
| Total..... | 27,461 |

Eighth. What, since you made your last report, is the probable number of deaths of survivors and widows?

Applying this question to pensioners, I am unable, without occupying more time than you have allowed me, to give an answer. If made, as I state, under your first questions, the number reported to the office would vary materially from the correct number.

In view of your request for an immediate answer, the statement has been very hastily prepared, but is believed to be approximately correct.

Very respectfully,

JOS. LOCKEY,
Acting Commissioner.

Hon. D. D. PRATT,
Chairman Committee on Pensions, United States Senate.

Mr. PRATT. Mr. President, that estimate of the Commissioner was made upon the basis of this bill which gives all the surviving soldiers who are not now admitted to the rolls arrears back to the 14th day of February, 1871. One of the amendments which I am instructed by the committee to offer will cut off all those arrears which go to swell so largely the sum total in the estimate. I have other letters from the Commissioner here which I have abstracted, and I will proceed to give his estimates upon different hypotheses that were submitted to him; first stating, however, the number at present on the rolls according to his last report under the existing law, that law which admitted all the surviving soldiers of the war of 1812 who had served sixty days, and all of the widows of those soldiers who had died who were married previous to the conclusion of the treaty of peace. Of the surviving soldiers there are 18,266, and of widows 5,053, making in all upon the pension-roll under the act of 1871, 23,319 who are drawing pensions at this time to the annual amount of \$2,238,292.

The Commissioner, in answer to a question that I propounded to him, stated that the number of survivors who served one day is estimated to be 19,246. The pensions of this number at \$96 each would amount to \$1,847,616.

Another question that I propounded to the Commissioner was, How many would be admitted to the roll, supposing that the bill was so changed as to include only those soldiers who had served thirty days during the war? And the estimate of the Commissioner is that the number of soldiers and widows entitled by a change in the law admitting to pensions those who have served thirty days would be 5,429, which at ninety-six dollars a year for each would amount to \$511,184 per year.

I then submitted to him the question, What number of widows would be entitled by a change in this present bill, including those who were married before the year 1825, instead of the year 1850 as

this bill proposes? And his answer is that the number would be 15,200, which at ninety-six dollars a year would amount to \$1,459,200 per year.

The next question that I submitted to him was what number would be admitted to the roll if the term of service was limited to fourteen days, in accordance with the bounty-land act of the 3d of March, 1855, which the Senate will remember was the limit of service. All soldiers who had served in any of the wars of this country from 1790 down to that time were by law declared to be entitled to bounty-land warrants calling for one hundred and sixty acres each; and taking that law as fixing a principle upon which we should grant pensions to the surviving soldiers of the war of 1812, I asked what number would be admitted to the rolls if the House bill were so changed as to limit its provisions to those who had served fourteen days; and his estimate was that there would be 13,108 added to the rolls, which at ninety-six dollars each per year would amount to \$1,258,368.

I have not before me an estimate of the amount that would be required to satisfy the fifth section of the bill which provides for the restoration to the pension-rolls of the names of all persons now surviving who were heretofore pensioned on account of services in the war of 1812 against Great Britain, and whose names were stricken from the rolls in pursuance of the act of 1862 and the joint resolution of March 4, 1867. My general recollection is, however, that the estimate of the Commissioner is that there are about four hundred and forty-odd who have been dropped from the rolls and who would be entitled to restoration under the provisions of the fifth section of this bill.

Mr. EDMUNDS. Have you not the report of the Commissioner on that subject?

Mr. PRATT. I have somewhere; but I do not think I have the letter here.

Mr. EDMUNDS. There must be a great many more than four hundred and forty, I should think.

Mr. PRATT. My recollection is that it was less than four hundred and fifty. I do not think I can be mistaken about that.

Mr. EDMUNDS. How much is the arrearage due to each man?

Mr. PRATT. According to the provisions of the fifth section of this bill these men who have been dropped from the rolls would be taken up just as if their pensions had never been suspended, and of course there would be twelve years of arrearages; that is supposing they were dropped from the rolls in 1862 at the time the law on that subject passed.

Mr. EDMUNDS. Although in fact they did not draw after 1861, I suppose; so that you should add another year.

Mr. PRATT. That may be or it may not. Now, Mr. President, the first amendment which I am instructed by the Committee on Pensions to move is to strike out from line 3 to line 6 of section 1, in the following words:

That the act granting pensions to the surviving soldiers of the war of 1812, approved February 14, 1871, be amended, so as to read as follows.

That is stricken out for two purposes. In the first place, to meet the objection that was made upon a former occasion by the Senator from New York, [Mr. CONKLING,] that legislation of this kind was vicious because of reference to laws which had been repealed in the revision of the statutes; and for another reason, that this provision would entitle those who took under this bill to draw pensions from the 14th of February, 1871, whereas the instructions of the committee to me were to report such amendments as would make the pensions to the surviving soldiers commence from the passage of this bill. Therefore the first motion which I make is to strike out the words in the first section which I have just read.

Mr. WEST. I think before the Senator passes from the subject of the number of pensioners and the amount involved, that the Senate ought to know in distinct and succinct terms what is the amount of money sought to be appropriated by this bill. There is no amount specified in the bill. Now, cannot the Senator divest it of all the verbiage of the difference of classification and tell us distinctly and straightforwardly how much money is involved in the bill?

Mr. PRATT. I can answer the Senator from Louisiana better when this bill has been considered and has been amended. He asks now how much will be taken from the Treasury if the bill should pass in its present form. Of course I cannot anticipate the action of the Senate upon the different provisions in this bill. Therefore I cannot respond to his question.

Mr. WEST. I did not ask the Senator the question as to what amount would be involved in the bill after the Senate should have concluded it; but I ask him now, as he has reported favorably on the bill and advocates it, how much is involved in the bill as it stands?

Mr. PRATT. The Senator has listened I presume, or he ought to have listened, to the estimate of the Commissioner of Pensions. He speaks of me as the advocate of this bill. I am not the advocate of the bill as it stands. I am instructed, on the contrary, by the Committee on Pensions to propose certain amendments, and I propose to submit certain amendments of my own motion. The estimate of the Commissioner of Pensions is that to meet the demands of this bill in its present form, including arrearages, will require something upward of \$15,000,000.

Mr. WEST. Ah! that is the answer.

The PRESIDING OFFICER, (Mr. ANTHONY.) The Senator from Indiana offers an amendment which will be read.

The CHIEF CLERK. It is proposed to strike out in section 1 the following words:

That the act granting pensions to the surviving soldiers of the war of 1812, approved February 14, 1871, be amended so as to read as follows.

Mr. FRELINGHUYSEN. How will the section read when amended? The CHIEF CLERK. The first section will then commence:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls the names of the surviving officers and enlisted and drafted men, including militia and volunteers, &c.

Mr. FRELINGHUYSEN. Mr. President, no member of this body is disposed to oppose a pension bill; every Senator feels grateful to any one who risked his life in the defense of the country; but it does seem to me that in the closing hours of the session, and after we have been engaged here to-day for twelve hours, to introduce for consideration in the present state of the finances of the country a bill which we are told makes a draft upon the Treasury of more than \$15,000,000 is an act wanting in patriotism. We owe a duty to the country, a duty to its finances, a duty to the Treasury, that should make us hesitate. It may be that in a more prosperous condition of the country, it may be that when our financial condition is improved, this measure or some well-considered measure in this direction may commend itself to Congress. But after we have been here twelve hours to-day, when we have but a day left of the session, when it is utterly impossible to consider a bill of this magnitude as it should be considered, I say that instead of being an act of patriotism, it is an act wanting in patriotism to introduce and force it upon the Senate. Sir, to gain \$15,000,000 into this Treasury the whole nation has been disturbed and we have sent commissioners to Geneva and had an arbitration with England. We had insisted upon it and were ready to go to war to obtain it. But now when everybody in the Senate is worn out, when there is no opportunity of considering this measure, we are forced to take up a bill appropriating \$15,000,000, and I would like to ask my friend from Indiana, after this \$15,000,000 is expended, what will be the annual expenditure for the next five or ten years?

Mr. PRATT. It will depend entirely on the form which this bill takes after it has been considered by the Senate. I cannot answer the Senator from New Jersey.

Mr. FRELINGHUYSEN. I think my friend ought to be able to answer the Senator from New Jersey. It is no satisfaction to me, when I am bound here on my oath to protect the interest of the Treasury of this country, for one who promotes a bill to tell me that after the bill has passed and becomes a law, and when the information can be of no value, then he will be prepared to tell me what will be the draft upon the Treasury! I suppose that it will cost four or five millions a year for the next ten years to fulfill the obligations of this bill.

Mr. PRATT. If the arrears feature of the bill is stricken out, I do not think it will require more than \$3,000,000 a year at the very outside to satisfy the demands of this bill. I may say further that it appears from the letter of the Commissioner that the average age of the surviving soldiers of the war of 1812 is at this time about eighty-one years. Why, Mr. President, it is nearly sixty years since peace was concluded with Great Britain. Peace was made, as the Senate is aware, in December, 1814. Here we are in the year of grace 1874. It will be in December next sixty years since the men who will take the benefit of the provisions of this bill were disbanded. The Senate can judge for itself how rapidly this list will diminish. Why, sir, they are falling now rapidly like leaves in December. The last survivor will not probably live more than ten or fifteen years at the very outside.

Why should we hesitate to do this measure of justice to the survivors of that war, when we consider the liberal legislation in behalf of the revolutionary soldiers? There are Senators here who in 1864 voted to pay so long as he lived to every surviving soldier of the revolutionary war \$100 in addition to the pension he was drawing though he had never been disabled in the service of the country. Why, sir, Congress from time to time has voted seventy-four millions of acres to the soldiers of the country in its different wars. Most of the survivors of the war of 1812 are poor, many of them objects of charity, eighty-one years of age. They can last but a few years at most. Why should we grudge what we so freely gave to the soldiers of the Revolution, ninety-six dollars a year? It is but a pittance to each of them; and as I said before if you cut off the arrears which the House gave to these soldiers and to their widows I think the figure that I named is the very outside amount which will be required to be appropriated for the purpose of paying these survivors and their widows the first year. It will be much less the second, still less the third, diminishing rapidly, until ten years hence probably there will scarcely be a survivor left on the rolls.

Mr. FRELINGHUYSEN. I wish to ask my friend a question, and I ask for information because I do not know. What effect upon the claim of a pensioner under this bill would it have if he has been engaged in a war against the United States since 1812?

Mr. PRATT. The fifth section of this bill restores to the pension-roll all those soldiers of the war of 1812 who were disabled in the service of the country and fighting under its flag, men who are hobbling around on crutches, stretched upon beds of sickness; men who at the time this rebellion occurred were sixty-five or seventy years of age at least, and who could have given no active aid or comfort or assistance to the rebellion; men to whom the nation owed a solemn

debt, each one of whom held a certificate from this Government that it would pay him ninety-six dollars a year, and there was no condition written in that certificate. The act of 1862 did not confiscate that debt. It simply suspended its payment, and for wise and politic reasons. But the pensions which are restored by the fifth section of this bill are in the nature of indemnifications that the country was paying to those men who had lost their health and strength in its service in the war of 1812. That is the class of men whom this bill restores to the pension-roll, not simply men who had served in that war, but men who had been disabled, broken down in that war and rendered incapable of earning their subsistence. Does any gentleman who listens to me refuse to resume payment now nine years since the war has concluded? I have heard a great deal of patriotic talk in this Hall against repudiation; but, Mr. President, can you conceive a more shameful act of repudiation than for the nation to refuse to pay pensions to these men who were injured in its service and fighting under the flag of the country, whose pension certificates were as I said before simply in the nature of indemnity that the nation agreed to pay them for their losses of health and strength?

Mr. FRELINGHUYSEN. Will my friend be good enough to answer my question?

Mr. PRATT. I did not understand the question.

Mr. FRELINGHUYSEN. I asked what effect this bill had—and I asked for information, for I did not know—upon the pension of those who had engaged in war against the country.

Mr. PRATT. Mr. President, the acts affected by this section were leveled against those who had given aid and comfort to the rebellion.

Mr. FRELINGHUYSEN. Which section is it?

Mr. PRATT. The fifth section. I will read it:

That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-rolls the names of all persons now surviving heretofore pensioned on account of service in the war of 1812 against Great Britain—

And the bill might have added "pensioned because of disability incurred in service rendered to their country," because that was the fact. No one else was admitted to the pension-roll—

and whose names were stricken from the rolls in pursuance of the act entitled "An act," &c.

I have before me the two acts under which payments were stopped to these soldiers. The act of February 4, 1862, reads as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to strike from the pension-rolls the names of all such persons as have or may hereafter take up arms against the Government of the United States, or—

Mark the alternative—

or who have in any manner encouraged the rebels or manifested a sympathy with their cause.

If a man living right in the heart of secession, in South Carolina, manifested any degree of sympathy whatever with the cause of the rebellion his name was at once stricken from the roll under the provisions of this act. Although he may have been a paralytic, though he may have been stretched on a bed of sickness, though he was going about on crutches and could render the rebellion no service at all, yet this law struck his name from the pension-rolls. The joint resolution of March 2, 1867, simply prohibited "payment by any Government officer to any person not known to have been opposed to the rebellion." I believe now I have answered the Senator from New Jersey.

Mr. FRELINGHUYSEN. Then I understand the question to be this: For sixty years this Government has not felt the great obligation which seems, near twelve o'clock at midnight on the last day but one of the session of Congress, to propose to take \$15,000,000 out of the Treasury at a time when we cannot consider it. For these sixty years this Government has suffered that claim to rest until now comes a provision that those are to be paid who have taken up arms against the Government of the United States; for this act by its very terms repeals the act authorizing the Secretary of the Interior to strike from the pension-rolls the names of such persons as have taken up arms against the United States or who have in any manner encouraged the rebels. That is the act that is repealed.

Mr. President, I do not say, I do not mean to commit myself one way or the other on that point, that a state of circumstances may not possibly exist which would authorize the repeal of that act; but I do mean to say that this is no time, at this hour, at this period of the session, to consider an act of that character. It ought to have the calm and careful deliberation of the Senate. It ought to be made known to the country. If we are going to vote away \$15,000,000 or \$16,000,000, or as I make it it out \$20,000,000, for that letter reported that a deduction of from \$4,000,000 to \$5,000,000 was made for fifteen thousand who it was thought would not present claims—if we are going to make such an appropriation in the present state of our finances and relieve those who took up arms against the Government and pay a large part of it to them, we ought to do it deliberately, we ought to do it at a time when the country can be heard from. I do not think that it is a patriotic mode of manifesting our patriotism.

Mr. SAULSBURY. Mr. President, I may be wanting in patriotism; but I came here this evening in order that I might assist to do justice to a class of men who before a large number of the members of this Senate had a being were fighting the battles of the country and upholding its honor against a foreign foe. Patriotism is something undefined; what the Senator from New Jersey may call patriotism

might not be regarded as patriotism by others; but if there is any act which a Senator on this floor can perform which is patriotic, it is that of rewarding the men who fought the battles of this country and helped to maintain its honor and dignity when that honor and dignity were threatened by a foreign enemy. I do not think the declaration is justifiable that it is wanting in patriotism in Senators to avow their readiness to do justice to the men, the youngest of whom is now at least seventy-five years of age, who in 1812 enlisted in the service of the country and who have been postponed from time to time. Now in their last days when there is an effort made to do justice to them, when a Senator on this floor rises up and denounces that as unpatriotic, I must say that I think such language is unbecoming at least in this Senate. If it is unpatriotic, then for one I glory in being unpatriotic. I am willing to reward the men who before I had an existence fought the battles of this country, and I am much more willing to reward those than I am younger men near my own age. Sir, they are now destitute, they are helpless, they are unable to provide for themselves; and in their old age, in their infirmity, when we know the value of their services to the country, I take issue with the Senator and I say it is unpatriotic not to reward them.

If we postpone placing these soldiers on the pension-list a few years longer, the last of them will have passed away. I suppose the Senator from New Jersey desires a postponement of this question; but I think that to-night is the time; I do not care whether it is near twelve o'clock or whether it is one o'clock or five o'clock in the morning. I came here to vote for this bill, and I am ready to stay here until seven o'clock in the morning in order to accomplish it. I hope the friends of this bill will not suffer themselves to be defeated in their undertaking, but that they will stand by it and that they will restore to the pension-list every man who was struck off because of his supposed sympathy with secession. I want to see these men restored back. I want to see the last marks of distinction between loyal and disloyal men wiped out. The time has come when we should have nothing of that feeling. A continual keeping up of this agitation about loyal and disloyal men is doing more harm to this country to-day than a little. I heard a speech no later than yesterday in this Senate in which the terms "rebel" and "traitor" and so forth were used. That kind of language, in my opinion, is calculated to keep up ill-feeling in the country. We should do everything to blot out the remembrance of the late war, that we may become once more a united people, united not only under a common Government, but in common sympathies, in common feelings, having but one destiny, and feeling a common pride in our own great country.

Mr. FLANAGAN. Mr. President, I feel anxious to add a few remarks in direct harmony with those that have been presented so ably by my distinguished friend from Delaware. I indorse his sentiments throughout. It is time that this great question should be buried. What are the evidences here? Recently we have mourned the death of distinguished generals who had achieved valiant actions upon many battle-fields in the recent unfortunate struggle alluded to by him. Their actions were meritorious. I never sympathized with that rebellion in the first degree at any moment of my life. Previous to it, when I saw it was upon us as the little cloud that was to be seen in the heavens, I warned my fellow-citizens against it. But all those things I am gratified to know have passed away; and now when one of the distinguished generals who served in that war dies, a pension is voted almost instantly to the widow. I vote for such bills every day. Now I am gratified to have an opportunity to vote for the widows of the soldiers of 1812 who so nobly fought for and delivered his country from the perils that were upon it. I want to place them side by side; that brings the old and new together in harmony.

Sir, it is the proper period for us to forgive those who were once stricken from the pension-rolls because they happened to live in the rebellious portions of this Union, that, unfortunately as I conceive, endeavored to dissolve the best Government that civilized man has ever been blessed with. I forgive them. Why should I not? In this I am consistent with the action of the Senate in other matters. Am I not? Now, when a southerner asks for relief from his political disabilities, no man in the Senate withholds it. If he only asks for it it is accorded to him with all manner of cheerfulness. How can you relieve him from his disabilities and then, acting consistently and in line, refuse the little pittance which he asks from the Government as a pension? You cannot do it. Then you must replace him where he originally was. How is it as to confiscated property? You are placing everybody in *statu quo* just as far as you are possibly able to do so; you are giving equity; you are giving justice; you are giving them perhaps more than they deserve. I think they were wrong, but I have the magnanimity I trust, on this occasion, as I have invariably had to accord to them the same honesty of purpose that I claim. I have no hesitation in saying thousands of them believed they were correct. I never did believe they were. But now that question is buried and we must do justice to them, and in doing justice to them we certainly will protect ourselves.

It is said this will cost millions. I know not what it may foot up; but properly has that been answered by the distinguished Senator who has the bill in charge. It will depend evidently upon the amendments that may be made. But I do not beg that question; I am not in the habit of doing so. Whenever I am for a measure I am for it, and when I am opposed to it I am as plainly situated. I care not what the millions may be. It is a principle I am looking to. I think

this is a debt meritoriously due, and the money cannot be better appropriated. Nay, sir, in the river and harbor bill or any other bill that is before the Congress of the United States there can be no appropriation that has more merit in it in my humble opinion than this. I confess I am anxious to get an opportunity to record my vote in behalf of the old soldier and in behalf of his widow. My distinguished friend from New Jersey says that the time may come for this. We heard that expressed many, many years ago. We read of a "convenient season;" but we are admonished that it never came; nor will it come for this matter if the bill is now postponed. There are those who are dying off to-night, as I am speaking here in all probability, who should have been protected at an earlier day; and I do not wish to postpone; I want to relieve them at the earliest period.

It is objected further that this is an inopportune time, that this bill cannot be properly investigated now. Well, it is very evident that every Senator here knows the importunity, the mighty struggle that my friend, the chairman of the Committee on Pensions, made the other day. He made a gigantic charge upon the Senate, admonishing them of the injustice they were doing, and that he would keep this bill before them and upon them from time to time, and if it has not been considered by the Senators it seems to me that they might say that which I surely would not say of them, that they had been a little remiss.

This is a great question they say now. If so, it ought to have had their attention. It has had mine; it has had my sympathies; I am all anxiety to record my vote in behalf of it, and I do second the motion of the Senator from Delaware, and hope that the Senators in favor of the passage of this bill will not be governed by the hands that we see moving on yonder clock steadily, but that they will sit here till the bill is passed. I am one of the oldest, perhaps the oldest here, but on this occasion I feel buoyant like a boy. I will sit here as long as any Senator will remain in this great and just cause.

Mr. WEST. Mr. President, I do not rise to participate in the discussion of the patriotic sentiments connected with this bill; but I think when the Senate of the United States proposes to be liberal to whoever may deserve their liberality, they ought to understand whether they have the means under their control belonging to the people in the hands of the Government of the United States to exercise that liberality with. I regret that the chairman of the Committee on Finance is not here to give something like a comprehensive statement of the financial condition of this country at the present moment. I have made since this debate opened and since I was startled by the magnitude of the figures presented by the Senator from Indiana a rough estimate of the financial situation of this country for the coming year, and I wish to call the attention of Senators now to the fact that my conclusions, however imperfect they may be, point directly to the fact that whatever amount you appropriate in this bill you are going to be short in your finances; whatever amount you appropriate in this bill you must issue bonds of the United States to meet; and I ask the other side of the House, who are mostly in favor of this bill, whether they propose to indulge in liberality at the expense of a further increase of the public debt? Now let us see these figures.

The Secretary of the Treasury in his estimate laid before us at the opening of this session of Congress points us to the fact that the total estimated revenues of this country for the coming fiscal year will be \$305,700,000, and the estimated expenditures of the Government for the same period are \$319,191,000. There is a deficiency of nearly \$14,000,000 in the fiscal budget of this country for the coming year, not comprehending the countless and innumerable appropriations that have been made here by special bills.

The Committee on Appropriations have sat here, and in scrutinizing the bills that have been submitted to them they have been actuated by a desire to reduce the appropriations to the lowest possible limit, and by commendable economy we probably can offer a budget to the country that will bring us about even. That is as near as I can understand the figures, although many of the bills have not been completed at the present time.

Mr. THURMAN. I should like to inquire of the chairman of the committee, who has this bill in charge, whether he wishes us to sit it out or not? We have been in session now for twelve and a half hours with the exception of a brief recess. Whether or not we shall make any greater progress by sitting this bill out to-night, being completely exhausted to-morrow and unable to do any serious work, is a very questionable thing with me.

I make this inquiry certainly in no spirit of hostility to the bill, because I am inclined to favor it; but if we are not to sit it out we had better adjourn, I think, at once. If we are to sit it out, we had better know what we are to do, so that we may govern ourselves accordingly. We ought to know whether we are to sit it out or not, and I would be glad therefore to know what the Senator wishes, whether he wishes us to sit it out or not.

Mr. PRATT. I will state there are important amendments to be offered.

Mr. THURMAN. If we adjourn now this bill will be the unfinished business, will it not, Mr. President?

The PRESIDING OFFICER. (Mr. WRIGHT in the chair.) It will.

Mr. PRATT. I shall interpose no objection to the adjournment proposed.

Mr. THURMAN. I will not make the motion against the wishes of the chairman. If the chairman wishes to sit the bill out I will

sit it out with him, but if he has no objection I suggest that we had better adjourn.

Mr. PRATT. I have no objection.

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

Mr. LEWIS. I hope the Senate will not adjourn. We shall never get another chance to vote for this bill if we adjourn now.

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

Mr. COOPER and Mr. DAVIS called for the yeas and nays; and they were ordered.

The yeas and nays were taken.

Mr. SPENCER. On this question I am paired with the Senator from Ohio, [Mr. SHERMAN.] If he were here he would vote "yea," and I should vote "nay."

Mr. HAMILTON, of Maryland. On this question I am paired with the Senator from Vermont, [Mr. EDMUNDS.] He would vote "yea," and I should vote "nay."

Mr. RANSOM. I desire to state that on this bill the Senator from Wisconsin [Mr. CARPENTER] and the Senator from Delaware [Mr. BAYARD] are paired. Mr. BAYARD would vote for the bill, and Mr. CARPENTER against it.

Mr. SPENCER. I desire to make a statement in reference to myself and the Senator from Ohio, [Mr. SHERMAN.] If he were here he would vote against the bill, and I would vote for it.

Mr. ANTHONY. I hope the vote will be announced, and we can have these explanations to-morrow morning.

The result was announced—yeas 27, nays 21; as follows:

YEAS—Messrs. Allison, Anthony, Boreman, Boutwell, Chandler, Clayton, Conover, Ferry of Michigan, Frelighuysen, Hager, Hamlin, Hitchcock, Jones, McCreery, Morrill of Maine, Morrill of Vermont, Oglesby, Pease, Pratt, Ramsey, Sargent, Scott, Thurman, Washburn, West, Windom, and Wright—27.

NAYS—Messrs. Alcorn, Boggs, Cooper, Davis, Dennis, Fenton, Flanagan, Goldthwaite, Gordon, Hamilton of Texas, Johnston, Kelly, Lewis, Merrimon, Norwood, Patterson, Ransom, Robertson, Saulsbury, Stevenson, and Tipton—21.

ABSENT—Messrs. Bayard, Brownlow, Buckingham, Cameron, Carpenter, Conkling, Cragin, Dorsey, Edmunds, Ferry of Connecticut, Gilbert, Hamilton of Maryland, Harvey, Howe, Ingalls, Logan, Mitchell, Morton, Schurz, Sherman, Spencer Sprague, Stewart, Stockton, and Wadleigh—25.

So the motion was agreed to; and (at eleven o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, June 19, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Clerk proceeded to read the Journal of yesterday.

Mr. HOLMAN. I move that the further reading of the Journal be dispensed with.

The motion was agreed to.

REPORT ON TRANSPORTATION.

Mr. DONNAN, from the Committee on Printing, submitted the following concurrent resolution; which was read, considered, and agreed to:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed six thousand copies of the report, with appendix and evidence, of the Select Committee of the Senate on Transportation to the Sea-board, four thousand of which shall be for the use of the House of Representatives, and two thousand for the use of the Senate.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. DONNAN also, from the same committee, reported the following resolution; which was read, considered, and agreed to:

Resolved by the House of Representatives, (the Senate concurring,) That there shall be printed twenty thousand copies of the report of the Commissioner of Education, five thousand of which number shall be for the use of the Commissioner, five thousand for the use of the Senate, and ten thousand for the use of the House of Representatives.

REPORT ON FISH AND FISHERIES.

Mr. DONNAN also, from the same committee, reported the following concurrent resolution of the Senate; which was read, considered, and concurred in:

Resolved, (the House of Representatives concurring,) That Spencer F. Baird, United States Commissioner of Fish and Fisheries, be authorized to have the engravings for his report executed under the direction of the Joint Committee on Public Printing.

STATISTICAL ATLAS.

Mr. DONNAN also, from the same committee, reported the following resolution:

Resolved by the House of Representatives, (the Senate concurring,) That the three thousand copies of the Statistical Atlas of the United States, based on the results of the ninth census, now being compiled by Francis A. Walker, the publication of which is provided for by the act of March 3, 1873, shall be distributed for public and official use as follows: Twenty-five copies for the President; six hundred copies for the Senate; one thousand two hundred copies for the House of Representatives; two hundred and twenty-five copies for the State Department, and for transmission to United States legations and the more important consulates abroad, and to the legations of foreign governments in Washington; seventy-five copies for the Treasury Department; forty copies for the War Department; twenty-five copies for the Navy Department; twenty-five copies for the Department of Justice; twenty-five copies for the Department of Agriculture; six hundred copies

for the Department of the Interior for its use and distribution among the executives of the several States, State libraries, and libraries and literary institutions; sixty copies for the Library of Congress, and one hundred copies for Francis A. Walker.

Mr. DONNAN. I will state to the House that the printing of this document was ordered by the last Congress but no provision was made for its distribution.

The resolution was agreed to.

REPORT ON MINING STATISTICS.

Mr. DONNAN, from the Committee on Printing, reported the following concurrent resolution:

Resolved by the House of Representatives, (the Senate concurring,) That of the report of R. W. Raymond on mining statistics, with the accompanying engravings, there be printed three thousand copies for the House of Representatives, two thousand for the Senate, one thousand copies for the Treasury Department, and one thousand copies for the commissioner.

Mr. HOLMAN. It seems to me that we are running into a very unusual expense to the Treasury for these plates. I think I have not known for many years the publication of so many plates as are now recommended by the Committee on Printing. It will be attended with a great deal of expense.

Mr. DONNAN. This was recommended by the committee two or three months ago, and was in the hands of one of my colleagues on the committee to be reported. He is absent and I have reported it.

Mr. HOLMAN. Unless we are to adopt some mode of distributing these documents to the country which will be more certain than by this mode, I do not think we should adopt this resolution.

Mr. DONNAN. It is the usual publication, and two thousand less copies.

Mr. HOLMAN. I think we are going into a great expense. The resolution was adopted.

PRINTING OF DEBATES.

Mr. DONNAN, from the Committee on Printing, reported a joint resolution (H. R. No. 112) in regard to printing the debates of Congress.

The resolution upon which the committee acted was as follows:

Resolved, That the Committee on Printing be, and they are hereby, directed to inquire into the cost of reporting and printing the debates of Congress, as the work is now being done; whether it was not more acceptably and economically done by the proprietors of the Globe; whether the permanent establishment of the work at the Government Printing Office will not involve large expenditures for facilities for its prosecution, and to report by bill or otherwise at as early a day as practicable.

The joint resolution accompanying the report was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congressional Printer be, and he is hereby, directed to keep a separate and exact account in detail of all expenditures for printing, mailing, and binding the CONGRESSIONAL RECORD, including specific statements of the cost of all machinery and material which may have been or shall be used for the publication of said RECORD, commencing with its first publication at the Government Printing Office, and that he shall publish the amounts thus yearly expended in his next succeeding annual report, and each succeeding report, separately from the other disbursements of his office.

Mr. DONNAN. I desire briefly to call the attention of the House to the conclusions of the committee. In regard to the reporting of the debates, the system of which has been changed, and which until the very recent action of the two Houses materially reduced the expense, it has by the action of the two Houses within the last ten days been so arranged as to make the cost of reporting precisely what it was for the last Congress. In regard to the expense of printing and binding the debates the committee come to the conclusion that the printing of the debates of the present Congress at the Government Printing Office will cost the Government (if the volume of work shall equal that of the last Congress) at least \$125,000 less than was paid to Messrs. Rives & Bailey for the same volume of work for the Forty-second Congress.

The present quarto form of the daily RECORD, although attended with slightly increased cost, is greatly preferable to the newspaper form.

Upon a calculation of comparative cost, upon an equal quality of paper, as between the Government Printing Office and the Globe office, the proposal for the work of Messrs. Rives & Bailey is to be increased in the sum of \$24,727.55 for 10,914 pages of printed matter and 12,332 copies.

The proposal of Rives & Bailey, so far as it relates to the binding, if they furnish equal quality of material with that now used, is \$6,116 cheaper (the volume of the work being as stated above) for the debates of a full Congress than the binding is now being done at the Government Office.

The cost of the debates of the present Congress, the number being now fixed at 10,350 copies, if the work makes 10,014 pages, will cost \$213,508.49, which is less than it would cost under the proposed contract of Rives & Bailey, making proportionate allowances on the cost of paper and the loss at the Government Office on binding, and counting the entire stereotyping a real loss to the Government, in the sum of \$61,182.06.

The probable expenditure for facilities to continue this work at the Government Printing Office will be comparatively trifling.

It would be the reverse of economy to enter into the proposed contract with Rives & Bailey.

The expenditure for this work ought to be kept separate and dis-

inct from other Government printing, and so definitely and minutely reported that Congress may be able to readily know what this work is costing; and the committee therefore recommend the passage of the joint resolution which has just been read.

I now call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution was ordered to be engrossed and read a third time, and being engrossed, it was accordingly read the third time, and passed.

Mr. DONNAN. I move to reconsider the various votes upon the reports from the Committee on Printing; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORTS FROM COMMITTEES.

The SPEAKER. The Chair desires to make a suggestion in regard to the business of the House. The Committee on War Claims desire to make sundry reports, adverse and favorable, upon matters which have been referred to them, for the purpose of having the same referred to the Committee of the Whole and placed on the Private Calendar. If that shall be done to-day it will be almost impossible for the clerk to journalize them. The former custom was for committees on the last day of the session to make their reports to the House, to be journalized as of the last day of the session and correctly entered on the Private Calendar for the next session. The Chair suggests that it would be well to adopt that plan now. If the mass of papers in possession of the committees shall be reported to-day, it will be impossible to correctly journalize them as of to-day. But the proceedings of the last day of the session are journalized with great care and the Private Calendar made up with corresponding care. It will lead to much more certain correctness of the Journal if that plan should be followed with regard to committees making reports this session.

Mr. SENER. There is no intention to pass upon these claims at this period of the session.

Mr. LAWRENCE. We do not propose to pass upon them.

Mr. SENER. Of course; all you want is to advertise the conclusions of the committees.

The SPEAKER. It will be impossible to journalize them properly if made now.

Mr. LAWRENCE. There are not so many reports but what the clerks can make up the Journal.

The SPEAKER. The Calendar would not be printed.

Mr. LAWRENCE. Then I will ask unanimous consent now that on the last day of the session I may be permitted to make these reports.

The SPEAKER. Of course it is the right of a committee, not of individuals, to report for reference to the Private Calendar. If there be no objection, on the last day of the session any committee of the House having had a subject before them will be permitted to report upon that subject, favorably or adversely, for reference to the Private Calendar, their reports to be filed at the Clerk's desk for that purpose.

Mr. HARRISON. I object.

Mr. MONROE. I move that the rules be suspended in order that such leave may be given to the committees of the House.

The motion to suspend the rules was seconded; upon a division, ayes 105, noes not counted; and (two-thirds voting in favor thereof) the rules were suspended and the order made.

PERSONAL EXPLANATION.

Mr. FIELD. Mr. Speaker, yesterday, in moving to suspend the rules for the purpose of putting on its passage the bill (H. R. No. 3521) to incorporate the National Iron-molders' Union, I stated that the bill was reported from the Committee on Education and Labor with the recommendation that it do pass, whereupon the gentleman from Pennsylvania [Mr. STORM] arose and denied that I was authorized to report the bill from that committee. Without commenting upon the remarks of the gentleman and the lack of courtesy exhibited by him on that occasion, I send to the desk an extract from the records of the committee furnished to me by its clerk, which will show on what authority I acted yesterday in asking the House to suspend the rules and pass that bill as a report from the Committee on Education and Labor.

The Clerk read as follows:

[Extract from minutes of Committee on Education and Labor.]

H. R. No. 3521, to incorporate the National Iron-molders' Union. 1874, June 3.—Mr. FIELD called up the bill and moved that the committee report it favorably to the House. Mr. McDILL seconded the motion. The motion was declared carried. Mr. STORM voted nay, and said that he reserved his right to oppose the bill in the House.

E. B. WIGHT, Clerk.

Mr. STORM. I desire to say that I am informed this morning by an honorable gentleman of the committee that though the entry just read was made, the clerk, Mr. Wight, who made the entry has said that the bill was merely directed to be reported in order to get rid of the importunity of the gentleman from Michigan [Mr. FIELD] who was very desirous of passing the bill. That is what I understand the clerk says this morning.

The SPEAKER. The Chair has again to remark that he has never before known disputes to arise so frequently as at this session in regard to what has been done in committees. Such disputes are very

unseemly things to occur in the House. They involve questions of veracity between gentlemen, the most delicate of all questions ever brought before the House. In this case the Chair begs to state that the gentleman from Michigan [Mr. FIELD] is sustained by the records of the committee.

Mr. MAYNARD. As a member of the Committee on Rules, I wish to ask whether it is not contrary to the rules and out of order to make any reference on the floor to what transpires in a committee?

The SPEAKER. It is; but any member of a committee has a right to make the point upon another member that he is not authorized to present a report; because if a member makes a report he is not authorized to make he is committing a very censurable act; and the Chair thinks that any gentleman who questions lightly the authority of another to make a report commits an act not wholly within parliamentary propriety.

Mr. G. F. HOAR. As to the point raised by the gentleman from Tennessee, [Mr. MAYNARD,] the report of a committee is itself a statement that the committee have authorized that report to be made, and to that extent it is a statement of what has transpired in the committee.

The SPEAKER. That is a matter of necessity.

Mr. MAYNARD. I had reference to the discussion, &c., occurring in a committee room.

The SPEAKER. It is not within parliamentary propriety to refer to such things in the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed, without amendment, House bills of the following titles:

A bill (H. R. No. 3417) to relieve Thomas Claiborne, of Tennessee, or political disabilities imposed upon him by the fourteenth amendment to the Constitution of the United States;

A bill (H. R. No. 3332) to fix the time for the election of Representatives in the Forty-fourth Congress from the State of Mississippi;

A bill (H. R. No. 3680) for the government of the District of Columbia, and for other purposes;

A bill (H. R. No. 3740) to create the Bozeman land district in the Territory of Montana;

A bill (H. R. No. 3748) directing the Secretary of the Treasury to report upon the necessity for a public building at Brooklyn, New York, and the cost of the same; and

A bill (H. R. No. 2701) to relieve William G. Jones, of Alabama, of political disabilities.

The message also announced that the Senate had concurred in the amendments of the House to bills of the following titles:

A bill (S. No. 176) to encourage the establishment of public marine schools; and

A bill (S. No. 311) for the relief of Joseph Montanari, and for other purposes.

The message further announced that the Senate had passed House joint resolution and bill of the following titles, with amendments in which the concurrence of the House was requested:

Joint resolution (H. R. No. 95) authorizing the Postmaster-General to perfect title to certain real estate obtained from John W. Norton, a defaulter to the postal money-order bureau; and

A bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871.

SALE OF ARSENAL GROUNDS AT SAINT LOUIS, MISSOURI.

Mr. WELLS, by unanimous consent, introduced a bill (H. R. No. 3759) amendatory of the act providing for the sale of the arsenal grounds at Saint Louis, Missouri, and for other purposes, approved March 3, 1869; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PATENT LAWS.

Mr. E. R. HOAR, by unanimous consent, introduced a bill (H. R. No. 3760) amendatory of the patent laws; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

PUBLIC BUILDING AT AUBURN, NEW YORK.

Mr. MACDOUGALL. I move to suspend the rules and pass a bill (H. R. No. 3761) directing the Secretary of the Treasury to report upon the necessity of a public building at the city of Auburn, New York.

The bill, which was read, directs the Secretary of the Treasury to report to Congress at the beginning of the next session whether the present needs of the Government require the erection of a public building at Auburn, New York, and the estimated cost of the same, including the site.

Mr. HOLMAN. I trust we will not enter upon the work of constructing any more public buildings.

Mr. MACDOUGALL. This simply authorizes the Secretary of the Treasury to make an estimate.

Mr. HOLMAN. That is the first step toward the construction of the building.

The question recurred on the motion to suspend the rules.

The House divided; and there were—ayes 27, noes 25.

Mr. NEGLEY demanded tellers.

Tellers were ordered; and Mr. NEGLEY and Mr. HOLMAN were appointed.

The House again divided; and the tellers reported—ayes 81, noes 40. So the motion to suspend the rules was seconded.

Mr. KILLINGER. I demand the yeas and nays on the motion to suspend the rules, as it seems that we are going to have a great many like propositions.

Mr. HOLMAN. Let us first try a division.

Mr. KILLINGER. Very well.

The House divided; and there were—ayes 35, noes 67.

Mr. MACDOUGALL demanded tellers.

Tellers were ordered; and Mr. MACDOUGALL and Mr. KILLINGER were appointed.

The House again divided; and the tellers reported—ayes 103, nays 30.

Mr. KILLINGER demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 151, nays 67, not voting 71; as follows:

YEAS—Messrs. Albert, Archer, Arthur, Ashe, Averill, Banning, Barnum, Barry, Bass, Bell, Blount, Bowen, Bradley, Bright, Bromberg, Buffinton, Burleigh, Cain, Caldwell, Amos Clark, Jr., John B. Clark, Jr., Clymer, Coburn, Comingo, Conger, Cook, Creamer, Crittenden, Crocker, Crooke, Crossland, Crouse, Crutchfield, Danford, Darrall, Davis, Dobbins, Donnan, Dunnell, Durham, Eames, Eldredge, Glover, Gooch, Hagans, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, John W. Hazelton, Hendee, Hereford, Hodges, Hoskins, Houghton, Hubbell, Hunton, Hyde, Hynes, Jewett, Kendall, Knapp, Lamar, Lamison, Lamport, Lawson, Leach, Lofland, Lowndes, Lynch, Maynard, James W. McDill, MacDougall, Merriam, Milliken, Mills, Moore, Morey, Negley, Nesmith, Niblack, O'Neill, Orr, Packard, Page, Isaac C. Parker, Parsons, Pelham, Perry, Phelps, Pierce, James H. Platt, Jr., Thomas C. Platt, Potter, Purman, Rainey, Rapier, Read, Rice, Richmond, Robbins, Ellis H. Roberts, Rusk, Sawyer, John G. Schumaker, Sener, Sheets, Sheldon, Sloan, Sloss, Small, Smart, George L. Smith, H. Boardman Smith, J. Ambler Smith, Snyder, Stanard, Standiford, St. John, Stone, Strait, Sypher, Christopher Y. Thomas, Thornburgh, Tremain, Vance, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, White, Whitehead, Whitehouse, Whiteley, Whithorne, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—151.

NAYS—Messrs. Barber, Barrere, Beck, Berry, Biery, Bland, Brown, Bundy, Burchard, Burrows, Cannon, Cessna, Clements, Curtis, Dawes, Field, Foster, Garfield, Giddings, Hamilton, Hancock, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, George F. Hoar, Holman, Hunter, Hurlbut, Kasson, Kelley, Killinger, Lawrence, Lowe, Magee, Marshall, Martin, McCrary, McKunkin, McLean, McNulta, Monroe, Morrison, Neal, Orth, Hosea W. Parker, Pendleton, Pike, Randall, James W. Robinson, Ross, Henry B. Sayler, Scofield, Sherwood, A. Herr Smith, John Q. Smith, Southard, Spear, Sprague, Starkweather, Strawbridge, Todd, Townsend, Tyner, Waldron, Charles W. Willard, James Wilson, and Woodworth—67.

NOT VOTING—Messrs. Adams, Albright, Atkins, Begole, Buckner, Benjamin F. Butler, Roderick R. Butler, Cason, Freeman Clarke, Clayton, Clinton L. Cobb, Stephen A. Cobb, Corwin, Cotton, Cox, DeWitt, Duell, Eden, Elliott, Farwell, Fort, Freeman, Frye, Gunckel, Gunter, Eugene Hale, Robert S. Hale, Harmer, Havens, Hays, Herndon, Hersey, E. Rockwood Hoar, Hooper, Howe, Kellogg, Lansing, Lewis, Loughridge, Luttrell, Alexander S. McDill, McKee, Mitchell, Myers, Niles, Nunn, O'Brien, Packer, Phillips, Poland, Ransier, Ray, William R. Roberts, James C. Robinson, Milton Sayler, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Lazarus D. Shoemaker, William A. Smith, Stephens, Storm, Stowell, Swann, Taylor, Charles R. Thomas, Waddell, Wilber, Jeremiah M. Wilson, and Woodford—71.

So (two-thirds voting in favor thereof) the rules were suspended, and the bill was passed.

PUBLIC BUILDING, ATLANTA, GEORGIA.

Mr. WHITELEY. I move to suspend the rules so that my colleague from the third district of Georgia [Mr. COOK] may introduce and the House may pass a bill (H. R. No. 3762) to amend the act entitled "An act for the erection of a public building for the use of the United States in Atlanta, Georgia."

Mr. GARFIELD. I hope the House will take a recess for thirty minutes.

Mr. STARKWEATHER. I move to go to the business on the Speaker's table.

The SPEAKER. There is a motion pending for that purpose.

Mr. MAYNARD. Why does the gentleman from Ohio move to take a recess for thirty minutes?

Mr. GARFIELD. To prevent if I can the passage of bills for the construction of any more public buildings.

Mr. POLAND. My object yesterday in offering the proposition I did was to try to get something satisfactory to all parties. I had the usual fate, and without satisfying anybody have subjected myself to misconception. I now withdraw my proposition.

Mr. GARFIELD. I hope we will be allowed to call up the amendments of the Senate to the post-office appropriation bill.

Mr. STARKWEATHER. I move to suspend the rules and go to the business upon the Speaker's table.

The SPEAKER. The gentleman from Georgia has the floor on a motion to suspend the rules.

Mr. WHITELEY. I move to suspend the rules so that my colleague may introduce and the House may pass a bill to amend the act entitled "An act for the erection of a public building for the use of the United States in Atlanta, Georgia."

Mr. CONGER. There are important reports to be made from committees, and I hope an opportunity will be afforded to do so at this time.

Mr. WHITELEY. I insist on my motion to suspend the rules.

The SPEAKER. The bill will be read.

The bill was read. It provides that the act named in the title be so amended that the sum authorized to be expended in the construc-

tion of the building be fixed at \$250,000; and that no sum in excess thereof shall be expended upon said building.

Mr. KILLINGER. Is that the same bill we voted on yesterday?

The SPEAKER. It is.

Mr. HOLMAN. I move the House take a recess for an hour.

Mr. GARFIELD. I move the House adjourn, and on that demand the yeas and nays. I believe it to be my duty to prevent, as far as I can, the passage of bills for the construction of any more public buildings during this session of Congress.

The SPEAKER. The same motion which will adjourn will refuse to second the motion to suspend the rules. It is the carelessness of gentlemen in regard to seconding a motion to suspend the rules which precipitates a good deal of the trouble in getting to the public business. The rules give to the majority the right by a vote, not by yeas and nays, to refuse a second.

Mr. ELLIS H. ROBERTS. This proposition is very different from the last. The last simply called upon the Secretary of the Treasury for information. This is a proposition to increase the appropriation heretofore authorized.

Mr. SPEER. I object to debate. One is in Georgia, the other is in New York.

The question being taken on seconding the motion to suspend the rules, there were—ayes 48, noes 56; no quorum voting.

Tellers were ordered under the rules; and Mr. COOK and Mr. SCOTFIELD were appointed.

The House again divided; and the tellers reported ayes 108, noes not counted.

So the motion to suspend the rules was seconded.

The question was on suspending the rules and passing the bill.

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

On ordering the yeas and nays there were—ayes 35, a sufficient number.

So the yeas and nays were ordered.

The question was taken, and there were—yeas 157, nays 56, not voting 76; as follows:

YEAS—Messrs. Adams, Albright, Archer, Arthur, Ashe, Atkins, Averill, Barnum, Barry, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Cason, John B. Clark, Jr., Clements, Clymer, Coburn, Comingo, Conger, Cook, Creamer, Crittenden, Crocker, Crooke, Crossland, Crouse, Crutchfield, Darrall, Dobbins, Donnan, Dunnell, Durham, Eames, Eldredge, Field, Frye, Giddings, Glover, Gooch, Gunter, Hagans, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, Joseph L. Hawley, Hays, John W. Hazelton, Hereford, Herndon, Hodges, Hooper, Howe, Hubbell, Hunton, Hurlbut, Hyde, Hynes, Jewett, Kasson, Kelley, Kellogg, Kendall, Knapp, Lamar, Lamison, Lansing, Leach, Lofland, Luttrell, Marshall, Martin, Maynard, MacDougall, McKunkin, McKee, McLean, Milliken, Moore, Morey, Morrison, Neal, Nesmith, Niblack, O'Brien, O'Neill, Page, Hosea W. Parker, Isaac C. Parker, Pelham, Perry, Pike, James H. Platt, Jr., Potter, Purman, Randall, Read, Rice, Richmond, Robbins, James C. Robinson, Rusk, Sawyer, John G. Schumaker, Sener, Sessions, Sheets, Sloan, Sloss, Small, H. Boardman Smith, J. Ambler Smith, Snyder, Southard, Spear, Stanard, Standiford, St. John, Stone, Storm, Stowell, Strait, Strawbridge, Thornburgh, Tremain, Vance, Wallace, Walls, Jasper D. Ward, Wells, Whitehead, Whitehouse, Whiteley, Whithorne, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—157.

NAYS—Messrs. Barrere, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Cannon, Cessna, Curtis, Danford, Duell, Foster, Garfield, Gunckel, John B. Hawley, Hendee, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Houghton, Hunter, Killinger, Lawrence, Lawson, Loughridge, Lynch, Magee, Merriam, Monroe, Orth, Packard, Packer, Pendleton, Thomas C. Platt, Pratt, Ray, Ellis H. Roberts, James W. Robinson, Ross, Henry B. Sayler, Scofield, Sherwood, A. Herr Smith, John Q. Smith, Sprague, Todd, Townsend, Tyner, Waldron, Marcus L. Ward, Charles W. Willard, James Wilson, and Woodworth—56.

NOT VOTING—Messrs. Albert, Banning, Barber, Bass, Begole, Benjamin F. Butler, Roderick R. Butler, Cain, Amos Clark, Jr., Freeman Clarke, Clayton, Clinton L. Cobb, Stephen A. Cobb, Corwin, Cotton, Cox, Davis, Dawes, DeWitt, Eden, Elliott, Farwell, Fort, Freeman, Eugene Hale, Robert S. Hale, Harmer, Gerry W. Hazelton, Hersey, Lamport, Lewis, Lowe, Lowndes, McCrary, Alexander S. McDill, James W. McDill, McNulta, Mills, Mitchell, Myers, Negley, Niles, Nunn, Orr, Parsons, Phelps, Phillips, Pierce, Poland, Rainey, Ransier, Rapier, William R. Roberts, Milton Sayler, Henry J. Scudder, Isaac W. Scudder, Shanks, Sheldon, Lazarus D. Shoemaker, Smart, George L. Smith, William A. Smith, Starkweather, Stephens, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Waddell, Wheeler, White, Wilber, William Williams, Jeremiah M. Wilson, and Woodford—76.

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

POST-OFFICE APPROPRIATION BILL.

Mr. TYNER. I rise to report back from the Committee on Appropriations the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, with the Senate amendments and the recommendations of the Committee on Appropriations thereon. But I yield for a few moments to the gentleman from Massachusetts, [Mr. HOOPER.]

WATCH PRESENTED BY GENERAL WASHINGTON TO MARQUIS DE LA FAYETTE.

Mr. HOOPER. I ask unanimous consent to introduce a joint resolution making an appropriation for the purchase and restoration to the family of the Marquis de La Fayette of the watch presented to him by General Washington.

The joint resolution was read. It appropriates the sum of \$300, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the purchase and restoration to the family of the Marquis de La Fayette of the watch presented to him by General Washington, and lost by General La Fayette during his last visit

to this country, such purchase and restoration to be made under the direction of the Speaker of the House of Representatives.

The SPEAKER. The Chair suggests to the gentleman from Massachusetts that before the resolution is voted upon it might be well to change it so as to place the matter under the charge of the Secretary of State instead of the House of Representatives. The Chair thinks that as a matter of propriety that would be better.

Mr. GARFIELD. I think that would be rather more appropriate.

Mr. MAYNARD. I desire to say a word or two on the resolution.

Mr. NIBLACK. If the gentleman from Massachusetts [Mr. HOOPER] has any explanation to make I think he ought to be heard.

The SPEAKER. Is there objection to modifying the joint resolution by substituting "Secretary of State" for "Speaker of the House of Representatives?"

There was no objection, and the joint resolution was modified accordingly.

Mr. HOOPER. I ask the Clerk to read what I send to the desk.

The Clerk read as follows:

AN INTERESTING RELIC.

John R. Ward, esq., of Texas, has in his possession an interesting relic of the times of the Revolution. It is a watch bearing the inscription, "G. Washington, to Gilbert Mottiers de La Fayette, Lord Cornwallis capitulation, Yorktown, October 17, 1781." The watch is of the shape known as "bull's eye," which was the fashionable one at that period, and is heavily double-cased with gold of high purity. The exterior case is ornamented with classic devices in high relief; an armed and helmeted warrior presents a crown to a throned female. The watch bears the name of the maker, "E. Halifax, London, 1769." It is in a good state of preservation, runs, and, with treatment after the manner of Captain Cuttle, keeps excellent time. It was purchased by Mr. Ward at a pawn-broker's sale in Louisville, about four years ago, for the sum of seventy-five dollars, who retains it subject to the order of any of the descendants of its illustrious donee. According to the statement of General Rogers, of Tennessee, who was commander of the body-guard of General La Fayette during his visit to Nashville in 1825, this watch was stolen from its owner at that time and its fate was unknown, although a large reward was offered for its return, until it turned up in the way above described.

Mr. MAYNARD. The statement just made is historically true. General La Fayette visited this country not long before he died, if I remember rightly, in the years 1824 and 1825. In the course of his journey through the country he went to Nashville, where this watch, which had been presented to him by General Washington and which he seems to have worn as a pocket time-piece, disappeared and undoubtedly was stolen. Great efforts were made to recover it, and if I remember rightly large rewards were offered. The people of Nashville felt mortified and humiliated that such an occurrence should have happened in their community; but the watch disappeared and was forgotten until some time since, when it found its way into a pawnbroker's establishment in the city of Louisville, Kentucky. I have this to say in behalf of the people of Tennessee: that if the matter had been brought to the attention of the Legislature of that State I am very sure they would have desired, so far as they could, to have made an appropriation in order to recover this watch and restore it to the family of La Fayette. But as this bill has been brought in here it becomes a matter of national interest rather than of local interest.

Mr. GARFIELD. There is only one question about this joint resolution that should cause any hesitation in voting for it; but I think it due to all concerned to make the inquiry whether this watch is genuine? Of course if it is genuine such a resolution as this ought to be passed; but everybody knows that there are frequent pretenses of antiquity in works of art and in matters of this description. I understand that the gentleman from Massachusetts has had this matter examined by experts at the Treasury Department and elsewhere, and he tells me that some of those experts have raised a question as to its genuineness.

Mr. G. F. HOAR. One of the experts raised a question as to its genuineness because the word "Motier" is spelled with two "t's" and a final "s;" but I say with all deference that it is well known that General Washington himself was not a very exact speller, and the engraver no doubt followed his spelling. I understand that this watch has been submitted to experts in the Treasury Department, and that they have examined it, and report that in their judgment it is genuine.

Mr. GARFIELD. If the only argument against the genuineness of the watch is the spelling of the inscription I admit that is not very strong, for it is well known that Washington did not excel in spelling. Even Franklin, who was his superior in scholarship, spelled very irregularly; for example, he spelled soap "sope."

No objection being made, the joint resolution (H. R. No. 113) received its several readings and was passed.

UNIVERSITY FOR THE BLIND.

On motion of Mr. MONROE, by unanimous consent, the Committee on Education and Labor was discharged from the further consideration of the memorial in favor of aiding the American Printing House and University for the Blind; and the same was referred to the Committee on the District of Columbia.

On the motion of Mr. DAWES, by unanimous consent, the Committee on Ways and Means was discharged from the further consideration of the memorial of the board of regents of the American University, &c., for the Blind, setting forth the needs of the blind as to means of improvement and the obligation of Congress to aid in providing facilities for liberal education as has been done for deaf-mutes; and the same was referred to the Committee on Education and Labor.

FAYETTE HUNGERFORD.

On motion of Mr. DAWES, by unanimous consent, the Committee on Ways and Means was discharged from the further consideration of the petition for relief in the case of Fayette Hungerford; and leave was granted for the withdrawal from the files of the House of the papers in said case.

NELSON TIFFANY.

Mr. YOUNG, of Georgia. I ask unanimous consent to report from the Committee on Military Affairs the bill (H. R. No. 447) for the relief of Nelson Tiffany. I would state that it is the unanimous report of the committee, and I would not trouble the House with it but for the fact that it is to remove a charge of desertion from a soldier who, as I am told by the gentleman from Massachusetts, [Mr. G. F. HOAR,] is now upon his death-bed.

The bill was read. It directs the Secretary of War to remove the charge of desertion from Nelson Tiffany, late a private in Company H, Twenty-fifth Massachusetts Volunteers, and to grant to said Tiffany an honorable discharge.

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

COMPULSORY PILOTAGE.

Mr. E. R. HOAR, by unanimous consent, presented resolutions of the Legislature of the Commonwealth of Massachusetts relative to compulsory pilotage at Hell Gate; which were referred to the Committee on Commerce, and ordered to be printed.

UNITED STATES CUSTOM-HOUSE AT LOUISVILLE, KENTUCKY.

Mr. MILLIKEN. I ask unanimous consent that the Committee on Public Buildings and Grounds be discharged from the further consideration of the bill (H. R. No. 2109) for the protection of the United States custom-house in the city of Louisville, Kentucky, and that the same be passed.

The bill was read. The preamble recites that the strip of ground thereafter described is indispensable to the preservation of the United States custom-house, to prevent destruction by fire, and to prevent obstruction of the lights and ventilation thereof in one of its most important fronts.

The bill empowers and directs the Secretary of the Treasury to purchase from the owner or owners thereof, at a price not to exceed \$12,500, all that certain piece of ground in the city of Louisville, county of Jefferson, and State of Kentucky, situate west of and adjoining the United States custom-house, fronting twenty-five feet on Green street, and extending back one hundred and fifty feet, parallel with and the same depth as the custom-house property; and for that purpose the sum of \$12,500, or so much thereof as shall be necessary, is thereby appropriated, out of any money in the Treasury not otherwise appropriated; provided, however, that no part of the money thereby appropriated shall be paid or expended until a clear, perfect, and absolute title in fee-simple to the ground shall have been secured and conveyed to the United States by a good and sufficient deed of general warranty.

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

EAST TENNESSEE UNIVERSITY.

Mr. MAYNARD. I ask consent that the Committee of the Whole be discharged from the further consideration of Senate bill No. 110, for the relief of the East Tennessee University, and that the same be now passed. It is a bill which has been reported favorably from the Committee on War Claims.

The bill directs the Treasurer of the United States to pay to the president of the East Tennessee University the sum of \$18,500 in full compensation for aid given by and on behalf of said university to the Army of the United States in the late war of the rebellion; provided that before said sum shall be paid a release in full of all claims against the Government by said East Tennessee University shall be executed in due form by the proper officers thereof, and deposited with the Treasurer, along with a receipt of the money appropriated by the bill.

Mr. HOLMAN. I hope there will be some explanation of this bill.

Mr. MAYNARD. If I can be permitted to do so, I will make a brief statement.

Mr. HOLMAN. I hope the gentleman will explain why the form of the bill has been changed from what it was last session.

Mr. MAYNARD. A bill for this purpose was passed by the last Congress. A bill for a similar purpose has three times received the approval of the Senate. The first time it was too late to be acted upon by the House. In the last Congress it was passed by the two Houses and vetoed by the President. The veto was not upon the merits of the bill but upon the form of the bill. Upon examining the claim the President held it was one which would meet his approval, and indicated by his Private Secretary a form of bill which to his mind would be unobjectionable. That form was adopted by the Senate, which passed the bill, and the Committee on War Claims of this House have reported it favorably. That claim arises out of the use and occupation of the property of the university after it came within the Federal lines for hospital and military purposes. The money to restore the property to its former condition was borrowed

by the university, and they are now paying interest on it at the rate of 10 per cent. per annum.

Mr. ATKINS. I would inquire if the Committee on War Claims of this House have not reported upon this bill favorably?

Mr. MAYNARD. I have so stated.

Mr. KELLOGG. Certainly, they have.

Mr. HOLMAN. I would like to hear the report read, if there is one.

Mr. LAWRENCE. I should like to say a word or two about this matter.

Mr. MAYNARD. I will not consume the further time of the House by discussion of this bill. If there is objection made I will move that the rules be suspended and the bill passed.

Mr. HOLMAN. I hope the gentleman from Tennessee [Mr. MAYNARD] will have the letter read showing why the form of the bill has been changed.

Mr. KELLOGG. I desire to say that the only objection to the old bill was that it might be made a precedent for other claims. The Committee on War Claims thought this bill ought to pass.

Mr. HOLMAN. As the bill formerly passed it was for spoliation and damage done to the property; in that form it was vetoed. Now the bill is changed so as to appropriate money for aid furnished by the university to the Government of the United States.

The history of this claim against the Government is remarkable. At the last session of Congress it passed in the following words:

An act for the relief of the East Tennessee University.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Treasurer of the United States be, and he is hereby, authorized and directed to pay to the trustees of the East Tennessee University the sum of \$18,500, in full compensation for all claims which could be made by said university for all damages caused to its buildings at Knoxville, Tennessee: *Provided,* That before said sum shall be paid a release in full of all claims against the Government for all damages that might or could be claimed by said East Tennessee University on account of said buildings, shall be executed in due form by the proper officers of said university, and deposited with the Treasurer along with the receipt for the money hereby appropriated.

J. G. BLAINE,
Speaker of the House of Representatives.
SCHUYLER COLFAX,
Vice-President of the United States, and President of the Senate.

I certify that this act did originate in the Senate.

GEO. C. GORHAM,
Secretary.

The President returned the bill with the following veto message:

To the Senate of the United States:

I have the honor to return herewith Senate bill No. 490, entitled "An act for the relief of the East Tennessee University," without my approval.

This claim, for which \$18,500 are appropriated out of the moneys of the United States, arises in part for the destruction of property by troops in time of war, and therefore the same objections attach to it as were expressed in my message of June 1, 1872, returning the Senate bill awarding \$25,000 to J. Milton Best.

If the precedent is once established that the Government is liable for the ravages of war, the end of demands upon the public Treasury cannot be forecast.

The loyalty of the people of the section in which the university is located, under circumstances of personal danger and trials, thus entitling them to the most favorable construction of the obligation of the Government toward them, is admitted; and nothing but regard for my duty to the whole people, in opposing a principle which, if allowed, will entail greater burdens upon the whole than the relief which will be afforded to a part, by allowing this bill to become a law, could induce me to return it with objections.

Recognizing the claims of these citizens to sympathy, and the most favorable consideration of their claims by the Government, I would heartily favor a donation, of the amount appropriated by this bill, for their relief.

U. S. GRANT.

EXECUTIVE MANSION,
January 29, 1873.

Among the papers that came with this bill from the Senate are the following:

EXECUTIVE MANSION,
Washington, D. C., February 3, 1873.

SIR: The President directs me to say that the inclosed draught of a bill is what he would be willing to approve in the case of the East Tennessee University.

I am, sir, your obedient servant,

O. E. BABCOCK,
Secretary.

Hon. HORACE MAYNARD,
House of Representatives.

A bill for the relief of the East Tennessee University.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Treasurer of the United States be, and he is hereby, authorized and directed to pay to the president of the East Tennessee University the sum of \$18,500, in full compensation for aid given by and on behalf of said university to the Army of the United States in the late war of the rebellion: *Provided,* That before said sum shall be paid a release in full of all claims against the Government by said East Tennessee University shall be executed in due form, by the proper officers thereof, and deposited with the Treasurer along with the receipt of the money hereby appropriated.

By the one bill this university is to be paid \$18,500 "for all damages caused to its buildings at Knoxville, Tennessee," by the Army of the United States; and by the bill now pending \$18,500 "for aid given by and on behalf of said university to the Army of the United States." And this change in the form of the bill is to change the result, the one subject to the veto and the other entitled to approval. And yet the real thing remains unchanged. Can it be possible that the mere change in phraseology of the bill can affect the quality of this claim against the Government?

Mr. KELLOGG. It is all right.

Mr. HOLMAN. The bill upon its face ought to express truly what the appropriation is for.

The SPEAKER. Does the gentleman object to the request that the bill be now passed?

Mr. HOLMAN. I do.

Mr. MAYNARD. I move to suspend the rules and pass the bill.

The motion to suspend the rules was seconded; and the rules were suspended upon a division, ayes 114, noes not counted, (two-thirds voting in favor thereof,) and the bill was passed.

Mr. MAYNARD. I will ask that the communication to which I referred, together with the form of bill therein recommended, be printed in the RECORD as a portion of the debates.

No objection was made, and it was so ordered.

[The communication and form of bill were as follows:

EXECUTIVE MANSION,
Washington, D. C., February 3, 1873.

SIR: The President directs me to say that the inclosed draught of a bill is what he would be willing to approve in the case of the East Tennessee University:

I am, sir, your obedient servant,

O. E. BABCOCK,
Secretary.

Hon. HORACE MAYNARD,
House of Representatives.

[Inclosure.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Treasurer of the United States be, and he is hereby, authorized and directed to pay to the president of the East Tennessee University the sum of \$18,500, in full compensation for aid given by and on behalf of said university to the Army of the United States in the late war of the rebellion: *Provided,* That before said sum shall be paid, a release in full of all claims against the Government by said East Tennessee University shall be executed in due form by the proper officers thereof, and deposited with the Treasurer, along with the receipt of the money hereby appropriated.]

EASTERN OR NORTH CAROLINA CHEROKEES.

Mr. VANCE. I ask consent that the Committee of the Whole be discharged from the further consideration of a bill (H. R. No. 3000) for the relief of Samuel W. Davidson, Henry Smith, John Gray Bynum, and others, and that the same be now passed.

The bill directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$4,500, or so much thereof as may be necessary, on account of expenses incurred by Silas H. Swetland, as special agent to settle with the Eastern or North Carolina Cherokees, in the year 1869, amounts to be found due to the following-named persons, to wit: Samuel W. Davidson, Henry Smith, N. J. Smith, J. D. Abbott, M. C. King, John Gray Bynum, and to others whose claims may be filed and verified.

Mr. HAWLEY, of Illinois. Does that bill come from any committee?

Mr. VANCE. It comes from the Committee on Indian Affairs, and is also recommended by the Secretary of the Interior.

Mr. GARFIELD. Is it the unanimous report of the committee?

Mr. VANCE. It is.

Mr. GARFIELD. How much money is there in it?

Mr. VANCE. There is not over \$4,500; it is all right and correct.

No objection was made, and the Committee of the Whole was discharged from its further consideration, and 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. VANCE 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. TOWNSEND. I desire to have a joint resolution passed.

Mr. TYNER. I give notice that after the joint resolution of the gentleman from Pennsylvania [Mr. TOWNSEND] shall have been disposed of, I will not yield to any person except to the gentleman from Connecticut [Mr. STARKWEATHER] to move to proceed to business on the Speaker's table.

LOWER PIER, CHESTER, PENNSYLVANIA.

Mr. TOWNSEND. I ask unanimous consent that the rules be suspended to pass the joint resolution (H. R. No. 108) in regard to the lower pier at Chester, Pennsylvania.

The joint resolution was read. It instructs the Secretary of War to have an examination made of the lower pier at Chester, Pennsylvania, by a competent engineer, with a view to ascertain whether it would be to the advantage of the Government to have said pier adapted to the purposes of supplying Government vessels with coal, iron, and other general supplies, and to have made an estimate of the probable cost of such adaptation, and to report the result of such examination to Congress.

There being no objection, the rules were suspended, and the joint resolution was passed.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Indiana [Mr. TYNER] who is now on the floor to report the Senate amendments to the post-office appropriation bill yields to the gentleman from Connecticut [Mr. STARKWEATHER] who desires to make an arrangement to dispose of business on the Speaker's table.

Mr. STARKWEATHER. We have tried, and could not go to the Speaker's table, making any exception, to dispose of bills by a ma-

jority vote. I now move that we go to the Speaker's table unconditionally, and that a two-thirds vote be required to pass any bill.

The SPEAKER. The gentleman from Connecticut [Mr. STARKWEATHER] asks that bills on the Speaker's table may be taken up *seriatim* under the two-thirds rule, each bill being exactly on the same basis as every other bill.

Mr. STARKWEATHER. Either to be passed or to remain on the Speaker's table.

Mr. POTTER. Will the Chair please state the effect of this proposition?

The SPEAKER. The effect of it would be that no bill could be disposed of except by a two-thirds vote.

Mr. POTTER. And any bill failing to obtain such a vote would remain on the table?

The SPEAKER. Yes, sir. Is there any objection to proceeding to dispose of bills on the Speaker's table *seriatim* under that arrangement?

Mr. HOLMAN. I trust it will be understood that if a bill be not sustained by a two-thirds vote it shall be regarded as rejected.

The SPEAKER. Failing to obtain a two-thirds vote any bill would naturally retain the status out of which it failed to be taken by a two-thirds vote.

Mr. HOLMAN. But if a bill does not receive a majority vote, it should be regarded as rejected.

The SPEAKER. The gentleman will observe that his proposition would not be either parliamentary or just. The proposition is to take up bills *seriatim*; and any bill not disposed of by two-thirds would be left without prejudice just where it now is, on the Speaker's table.

Mr. HOLMAN. My point is that there are some bills on the Speaker's table which it is very desirable to dispose of finally at this session of Congress. But I see the embarrassment in the way of carrying out my proposition.

The SPEAKER. The gentleman from Indiana would not propose that a minority of the House should have power to reject a bill.

Mr. HOLMAN. Not a minority but a majority. I suggested that if a bill did not receive a majority vote, it should be regarded as rejected.

The SPEAKER. That would be a complicated arrangement.

Mr. RAINEY. I hope that will not be agreed to. It is unjust.

The SPEAKER. The proposition as submitted puts every bill on precisely the same basis.

Mr. POTTER. I understand the present proposition is to consider the bills on the Speaker's table *seriatim*, subject to the rules of the House.

The SPEAKER. That is the proposition. If the House makes no arrangement to go to the Speaker's table the Speaker will necessarily be compelled still to decline to recognize individual members desiring to take bills from the Speaker's table, because he cannot exercise a favoritism in that regard.

Mr. AVERILL. Does this proposition admit of any discussion on these bills?

The SPEAKER. The motion as now submitted would not admit of discussion, although some provision of that kind might be attached to it.

Mr. GARFIELD. I think the better course is to go to the Speaker's table in the ordinary way.

Mr. WILSON, of Iowa. If two-thirds of the House desire to go to the Speaker's table they can do so, and then a majority vote can pass any bill. [Cries of "No!" "No!"] I understand what I am talking about. I say that if two-thirds of the House desire to go to business on the Speaker's table they can do so, and then a majority can pass any bill. But under the proposition of the gentleman from Connecticut [Mr. STARKWEATHER] every bill taken up will fail unless it can obtain a two-thirds vote.

The SPEAKER. The gentleman will observe that no bill has been taken from the Speaker's table out of its order since the last ten days of the session began.

Mr. WILSON, of Iowa. I understand that.

The SPEAKER. The Chair has declined to recognize any gentleman to move to take any particular bill from the Speaker's table, and he will so decline until the end of the session, unless the House shall direct him in what manner to proceed.

Mr. WILSON, of Iowa. But two-thirds can go to the Speaker's table to dispose of the business there.

The SPEAKER. Certainly; and if the gentleman from Connecticut will yield that issue can be tried.

Mr. WILSON, of Iowa. I make that motion.

The SPEAKER. The gentleman from Iowa moves that the rules be suspended and that the House proceed to dispose of business on the Speaker's table. This, of course, will leave every bill subject to be disposed of by a majority vote of the House.

Mr. KASSON. I wish to make a parliamentary inquiry.

The SPEAKER. The proposition of the gentleman from Iowa is that the rules be suspended and the House proceed to the business upon the Speaker's table.

Mr. KASSON. The parliamentary inquiry I wish to make is this: If the House should reach the Speaker's table will a single objection to a bill involving an appropriation carry that bill under the rules to the Committee of the Whole on the state of the Union to have its first consideration?

The SPEAKER. It will.

Mr. ELDREDGE. When we get to the Speaker's table under a suspension of the rules, can any bill be passed by a majority vote of the House?

The SPEAKER. It can, unless subjected to the point of order stated by the gentleman from Iowa [Mr. KASSON] that it involves an appropriation and must under the rules have its first consideration in Committee of the Whole.

Mr. POTTER. If the present motion be voted down, will not the motion of the gentleman from Connecticut [Mr. STARKWEATHER] then be in order?

The SPEAKER. It will.

Mr. GARFIELD. I hope the House will allow the amendments of the Senate to the post-office appropriation bill to be first acted on.

Mr. KILLINGER. These amendments are excepted by the present motion.

The question recurred on seconding the motion to suspend the rules. Tellers were ordered; and Mr. WILSON, of Iowa, and Mr. POTTER were appointed.

Mr. CONGER. As this is a test question, I hope we will have the yeas and nays.

The SPEAKER. The rules do not permit the yeas and nays on seconding the motion to suspend the rules.

The House divided; and the tellers reported—ayes 108, noes 100.

So the motion to suspend the rules was seconded.

Mr. WILLARD, of Vermont. I demand the yeas and nays on the motion to suspend the rules.

Mr. AVERILL. Will all the bills lying on the Speaker's table be liable to the ordinary points of order?

The SPEAKER. They will.

The yeas and nays were ordered.

Mr. LYNCH. If this motion should be decided in the affirmative, and a point of order should be made against any bill when reached upon the Speaker's table, would not a motion to suspend the rules and pass the bill be in order?

The SPEAKER. It would.

Mr. LYNCH. That removes one objection.

The question was taken; and there were—yeas 139, nays 111, not voting 39; as follows:

YEAS—Messrs. Albert, Barber, Barrere, Barry, Bass, Begole, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Casón, Cessna, Amos Clark, jr., Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crocker, Crook, Crounse, Crutchfield, Curtis, Darrall, Dawes, Dobbins, Donnan, Duell, Eames, Field, Foster, Frye, Garfield, Gooch, Gunckel, Eugene Hale, Benjamin W. Harris, Hathorn, John B. Hawley, Joseph H. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hodges, Hooper, Hoskins, Howe, Hubbell, Hunter, Harburt, Hynes, Kasson, Kelley, Kellogg, Lampport, Lansing, Lawrence, Lawson, Longbridge, Lowe, Lynch, Maynard, McCrary, James W. McMill, MacDougall, McKee, Merriam, Monroe, Moore, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Parsons, Pelham, Pendleton, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Rainey, Ransier, Rapier, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Seofield, Isaac W. Scudder, Sheats, Sheldon, Sherwood, Small, Smart, H. Boardman Smith, John Q. Smith, Sprague, Starkweather, St. John, Stowell, Sypher, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Woodford, and Woodworth—139.

NAYS—Messrs. Adams, Albright, Archer, Arthur, Ashe, Atkins, Averill, Banning, Barnum, Beck, Bell, Berry, Biery, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Roderick R. Butler, Caldwell, John B. Clark, jr., Clements, Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Danford, Davis, Dunnell, Durham, Eldredge, Fort, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hereford, Herndon, Holman, Houghton, Hunton, Hyde, Jewett, Kendall, Killinger, Knapp, Lamar, Lamson, Leach, Lofland, Lowndes, Luttrell, Magee, Marshall, Martin, McJunkin, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Phelps, Potter, Purman, Randall, Ray, Read, Robbins, James C. Robinson, Milton Sayler, Sener, Sloss, A. Herr Smith, J. Ambler Smith, Snyder, Southard, Spear, Standard, Standiford, Stone, Storm, Strait, Strawbridge, Christopher Y. Thomas, Thornburgh, Vance, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—111.

NOT VOTING—Messrs. Freeman Clarke, Clayton, Clinton L. Cobb, DeWitt, Eden, Elliott, Farwell, Freeman, Hagans, Robert S. Hale, Harmer, Havens, Hersey, Lewis, Alexander S. McDill, McNulta, Mitchell, Morey, Myers, Isaac C. Parker, Phillips, Pratt, William R. Roberts, John G. Schumaker, Henry J. Scudder, Sessions, Shanks, Lazarus D. Shoemaker, Sloan, George L. Smith, William A. Smith, Stephens, Swann, Taylor, Charles R. Thomas, Waddell, Wheeler, Wilber, and Jeremiah M. Wilson—39.

So (two-thirds not having voted in the affirmative) the rules were not suspended, and the motion was not agreed to.

During the roll-call,

Mr. PARKER, of Missouri, stated he was paired with Mr. WADDELL, of North Carolina.

The vote was then announced as above recorded.

Mr. STARKWEATHER. I now renew my motion that the House proceed to the business upon the Speaker's table and take up the bills *seriatim* under the two-thirds rule.

The SPEAKER. The failure in that event to second the demand for a suspension of the rules will of course leave the bill upon the Speaker's table.

Mr. MAYNARD. Will it not be the fairest way to take up first those bills which will not be objected to?

The SPEAKER. The gentleman from Tennessee suggests before the House proceeds to take the bills on the Speaker's table by a two-thirds vote that the bills be run through to which there is no objection.

Mr. COX. Can bills be referred under that order?

The SPEAKER. By a two-thirds vote.

Mr. STARKWEATHER. We ran through the unanimous consents the other day.

The SPEAKER. But since then a great many bills have gone upon the Speaker's table. Will the House now proceed to the business upon the Speaker's table and take up the bills *seriatim* under a two-thirds vote?

Mr. KASSON. If there be no objection, I suggest there be allowed five minutes' time to any member who wishes to oppose a bill.

The SPEAKER. It would take three weeks to go through the business on the Speaker's table in that way.

The motion to suspend the rules was seconded.

The rules were suspended, (two-thirds voting in favor thereof,) and the order was made.

The SPEAKER. The order will continue until the bills on the Speaker's table are exhausted.

PERSONAL EXPLANATION.

Mr. BURROWS. I ask unanimous consent to make a personal explanation, which will not occupy more than a single minute.

There was no objection.

Mr. BURROWS. Last Tuesday, when the gentleman from Massachusetts [Mr. DAWES] moved to go to the Speaker's table to dispose of business thereon with the exception of the civil-rights bill, I took occasion to inquire why he excepted that bill. In doing so I had no purpose to question the gentleman's friendship for the bill or to intimate that he was hostile to it. The position of the honorable gentleman is too well known to the House and the country to justify any such supposition. I did him no such injustice.

BUSINESS ON THE SPEAKER'S TABLE.

The SPEAKER. Pursuant to order the House proceeds to consider business on the Speaker's table. The Chair will first dispose of the executive communications on the table.

GENERAL ORDER NO. 32, WAR DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of War, referring to the resolution of the House of April 13, 1874, to examine and report as to General Order No. 32, War Department, Adjutant-General's Office, of March 15, 1873; which was referred to the Committee on the Judiciary, and ordered to be printed.

EXTENSION OF CHESAPEAKE AND OHIO CANAL.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, in answer to a resolution of the House of January 9, 1874, in relation to the extension of the Chesapeake and Ohio Canal; which was referred to the Committee on Railways and Canals, and ordered to be printed.

BARRACKS AT ALCATRAS ISLAND, CALIFORNIA.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to an appropriation to build permanent barracks at Alcatraz Island, California; which was referred to the Committee on Appropriations, and ordered to be printed.

HURTT COURT-MARTIAL.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting additional papers in connection with the Hurtt court-martial; which was referred to the Committee on Military Affairs, and ordered to be printed.

COST OF LIEUTENANT G. M. WHEELER'S EXPEDITION OF 1873.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the cost to the Government of Lieutenant G. M. Wheeler's expedition of 1873; which was referred to the Committee on Appropriations, and ordered to be printed.

GOVERNMENT BUILDINGS AT YUMA DEPOT.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to number and dimensions of Government buildings at Yuma depot and their liability to damage from freshets in the Colorado River; which was referred to the Committee on Military Affairs, and ordered to be printed.

MURDER OF LIEUTENANT EBEN WHITE.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, giving circumstances of the murder of Lieutenant Eben White by John H. and Webster Sothoron; which was referred to the Committee on War Claims, and ordered to be printed.

NOLAND, TOPP, VANCE, ET AL.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the claim of Noland, Topp, Vance, and others for cotton taken from them; which was referred to the Committee on War Claims, and ordered to be printed.

PAWTUCKET RIVER, RHODE ISLAND.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, transmitting a report upon the past improvement and present condition of the Pawtucket River, Rhode Island; which was referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF MOUTH OF MISSISSIPPI RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the improvement of the mouth of the Mississippi River; which was referred to the Committee on Commerce, and ordered to be printed.

MILITARY TELEGRAPH IN ARIZONA.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to an appropriation for the extension of military telegraph line in Arizona Territory; which was referred to the Committee on Military Affairs, and ordered to be printed.

MILITARY RESERVATION AT FORT WILKINS, MICHIGAN.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the military reservation at Fort Wilkins, Michigan; which was referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed a resolution directing that there be printed of the report of the Superintendent of the Coast Survey, for the year 1873, three thousand extra copies for the use of the Superintendent of the Coast Survey; in which the concurrence of the House was requested.

The message further announced that the Senate had agreed, without amendment, to the concurrent resolution of the House of Representatives for the printing of two thousand five hundred copies in quarto, uniform with the series, of Professor Hayden's final report on the Cretaceous Flora of the West.

The message further announced that the Senate had passed, with an amendment, in which the concurrence of the House was requested, the concurrent resolution of the House for the printing of the special report of Edward Young, Chief of the Bureau of Statistics, with the appendixes.

The message further announced that the Senate had passed, without amendment, the bill (H. R. No. 3309) granting to the Nevada Narrow-gauge Railroad Company the right of way through the public lands for a railroad.

The message further announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. No. 784) authorizing the transfer of gold mint bars from the bullion fund of the assay office New York, to the assistant treasurer at New York, with an amendment, in which the concurrence of the House was requested.

MEXICAN VOLUNTEERS.

The SPEAKER also laid before the House a letter from the Secretary of War in relation to House bill No. 1157 to provide for the payment of certain volunteer companies in the service of the United States in the war with Mexico and in the suppression of Indian disturbances in New Mexico; which was referred to the Committee on Military Affairs.

GEORGE A. MILLER AND GEORGE L. MAHONEY.

The SPEAKER also laid before the House a letter from the Secretary of War in relation to the claim of George A. Miller, late lieutenant Twelfth Tennessee Cavalry, for pay for services and for horse, &c., lost; and also the claim of George L. Mahoney for pay as first lieutenant Company C, Sixth Tennessee Volunteers; which was referred to the Committee on Military Affairs.

PROCEEDINGS OF A MILITARY BOARD.

The SPEAKER also laid before the House a letter from the Secretary of War in relation to the proceedings of a board of officers convened at Camp Douglas, Utah Territory, to investigate and report on losses by fire for which Second Lieutenant Wallace Mott, Eighth Infantry, and assistant commissary of subsistence, was responsible; which was referred to the Committee on Military Affairs, and ordered to be printed.

LIEUTENANT-COLONEL B. T. ROBERTS.

The SPEAKER also laid before the House a letter from the Secretary of War in relation to the retirement of Lieutenant-Colonel B. T. Roberts, Third United States Cavalry; which was referred to the Committee on Military Affairs.

ARMY MUTUAL SURVIVORSHIP ANNUITY SOCIETY.

The SPEAKER also laid before the House a letter from the Secretary of War in relation to the formation of the Army Mutual Survivorship Annuity Society; which was referred to the Committee on Military Affairs.

DAKOTA INDIAN WAR CLAIMS.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, transmitting the report of Inspector-General James A. Hardie, United States Army, on the subject of the Dakota Indian war claims of 1862; which was referred to the Committee on Military Affairs, and ordered to be printed.

INDIAN DEPREDACTIONS.

The SPEAKER also laid before the House communications from the acting Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claims of F. Z. Salomon & Co., John

Richards, Albino Ortega, Franklin Cook, administrator of the estate of John Cook, deceased, Frederick Weddle, M. Yrisani, John Watts, and Franz and Charles Huning, for Indian depredations; which were referred to the Committee on Indian Affairs.

HOT SPRINGS RESERVATION, ARKANSAS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Interior in answer to the resolution of the House of June 4, 1874, in relation to the Hot Springs reservation, Arkansas; which was referred to the Committee on the Public Lands, and ordered to be printed.

MATTHEW RESERVATION, OREGON.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, submitting estimates of appropriations to meet deficiencies on account of the Indian service at the Matthew reservation, Oregon, for the year ending June 30, 1874; which was referred to the Committee on Appropriations, and ordered to be printed.

CHARLES OLIVIER CLOSET.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of June 22, 1860, a report upon the claim of Charles Olivier Closet to a certain tract of land in the State of Louisiana; which was referred to the Committee on Private Land Claims.

NEW JAIL, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior in relation to an additional appropriation to complete in a substantial manner the new jail authorized to be constructed in and for the District of Columbia by the act of January 1, 1872; which was referred to the Committee on the District of Columbia.

B. SOULE.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting the report of the register and receiver of the land office at New Orleans, Louisiana, upon the claim of B. Soule to a certain tract of land in said State; which was referred to the Committee on Private Land Claims.

PRIVATE LAND CLAIMS IN NEW MEXICO.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of July 22, 1854, a report of the surveyor-general of New Mexico upon private land claim No. 91; which was referred to the Committee on Private Land Claims, and ordered to be printed.

WILLIAM S. STEPHENS.

The SPEAKER also laid before the House a communication from the chief clerk of the War Department in relation to the claim of William S. Stephens for compensation for losses sustained on a contract for furnishing haversacks; which was referred to the Committee on Claims.

SPECIAL REPORT ON IMMIGRATION.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting one from the Chief of the Bureau of Statistics in relation to printing in the Swedish language his special report on immigration; which was referred to the Committee on Commerce, and ordered to be printed.

REFUNDS AT SAN FRANCISCO.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in answer to a resolution of the House of January 4, 1874, transmitting a detailed statement of refunds made at the port of San Francisco, which had not been received at the date of such resolution; which was referred to the Committee on Ways and Means, and ordered to be printed.

RECONNAISSANCE OF NORTHWESTERN WYOMING.

The SPEAKER also laid before the House a report on the reconnaissance of Northwestern Wyoming made in the summer of 1873 by William A. Jones, captain of engineers, United States Army; which was referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM F. KING.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, transmitting the draught of a bill to authorize the issue of clothing to Sergeant-major William F. King, Twenty-fifth Infantry; which was referred to the Committee on Military Affairs.

AMBROSE J. CLARKE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in answer to a resolution of the House of June 6, 1874, in relation to Ambrose J. Clarke, late paymaster United States Navy at Brooklyn, New York; which was referred to the Committee on Naval Affairs.

ENROLLED BILLS SIGNED.

Mr. DARRALL, 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 (H. R. No. 526) for the relief of James De Long;

An act (H. R. No. 1206) for the relief of Charles J. Sands, of Brooklyn, New York;

An act (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes;

An act (H. R. No. 2292) for the relief of William Walker;

An act (H. R. No. 2398) granting a medal to John Horn, jr., for his heroic exploits in rescuing men, women, and children from drowning in Detroit River;

An act (H. R. No. 2694) for the relief of Benjamin W. Reynolds;

An act (H. R. No. 2898) for the relief of J. W. R. Wing, of New Bedford, Massachusetts;

An act (H. R. No. 3166) to correct the date of commission of certain officers of the Army;

An act (H. R. No. 3171) to amend the customs revenue laws and to repeal moieties; and

An act (H. R. No. 3586) to authorize the construction of a bridge across the Mississippi River at or near the city of La Crosse, in the State of Wisconsin.

Mr. PENDLETON, from the same committee, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 176) to encourage the establishment of public marine schools.

An act (S. No. 311) for the relief of Joseph Montanari; and

An act (S. No. 595) for the relief of Benjamin Cooley and James W. Boswell.

ARMY PENSION DEFICIENCY.

The SPEAKER laid before the House a communication just received from the Acting Secretary of the Interior, transmitting a letter of the Commissioner of Pensions, representing the necessity for a deficiency appropriation of \$200,000 for the payment of Army pensions during the current fiscal year.

Mr. GARFIELD. Would it be in order to move to refer that communication to the committee of conference on the disagreeing votes of the two Houses upon the deficiency appropriation bill?

The SPEAKER. The Chair does not know why it would not be.

Mr. GARFIELD. I make that motion. I wish to inquire whether this will give the conference committee jurisdiction, if there should be no amendment pending between the two Houses touching any such subject?

The SPEAKER. In the opinion of the Chair it would, if it is an actual, legal deficiency; in that case the bill by its title would cover this subject.

Mr. HOLMAN. I submit that the committee of conference would have no jurisdiction, unless this matter should be germane to some amendment made by the Senate.

The SPEAKER. The deficiency bill embraces all items of public service in which there may occur a legitimate deficiency. The Chair therefore thinks that this matter would be within the jurisdiction of the conference committee. At all events the communication may be referred; and that point if necessary can be brought up afterward.

The motion of Mr. GARFIELD was agreed to.

POLITICAL DISTURBANCES IN ARKANSAS.

Mr. TYNER. I yield for a moment to the gentleman from Vermont [Mr. POLAND] on the condition that the proposition he is about to submit shall not consume time.

Mr. POLAND. I have been directed by the select committee on the condition of affairs in Arkansas to report back certain testimony taken on that subject, and also to submit the following resolution:

Resolved, That the select committee of the House appointed under a resolution adopted May 27, 1874, to inquire into the disturbed condition of governmental affairs in the State of Arkansas, be continued during the recess of Congress, with the same powers conferred by the resolution under which said committee was appointed.

The question being taken on agreeing to the resolution, there were—ayes 51, noes 52; no quorum voting.

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

Mr. TYNER. I yielded to the gentleman from Vermont with the understanding that this proposition should not take time.

Mr. POLAND. That was the understanding, and I withdraw the resolution for the present.

The SPEAKER. It can come up immediately after the post-office appropriation bill is disposed of.

POST-OFFICE APPROPRIATION BILL.

Mr. TYNER. I move that the House now proceed to the consideration of the amendments of the Senate to the bill making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, and that they be considered in the House under the five-minute rule.

The motion was agreed to.

The first amendment was read, as follows:

In the proviso relating to employment of letter-carriers strike out "twenty thousand" and insert "thirty thousand;" so that the paragraph will read as follows:

For pay of letter-carriers, \$1,500,000: *Provided*, That hereafter letter-carriers shall not be employed for the free delivery of mail matter in towns and cities whose population within their corporate limits, as shown by the last report of the national census or by any subsequent census taken in pursuance of State statute or by order of the mayor and common council of such town or city, shall be less than thirty thousand; but this proviso shall not affect the free delivery in towns and cities where it is now established.

The Committee on Appropriations recommended concurrence.

The amendment was concurred in.

The second amendment was read, as follows:

Add to the paragraph in regard to the pay and employment of letter carriers the following:

And for the more efficient management of the free-delivery system, the Postmaster-General may designate a fourth-class clerk to act as superintendent of free delivery in the Post-Office Department at an annual salary of \$2,500; and for this purpose the sum of \$700 is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The Committee on Appropriations recommended concurrence.

Mr. HOLMAN. On concurring in this amendment I ask for a division. It makes an increase of salary.

The question being taken, the amendment was non-concurred in; there being ayes 25, noes not counted.

The third amendment was read, as follows:

Strike out the words "running out of the District of Columbia" and insert the words "in Virginia and Maryland;" so that the paragraph will read as follows:

For advertising, \$80,000: *Provided*, That hereafter no payment shall be made to any newspaper published in the District of Columbia for advertising any other routes than those in Virginia and Maryland.

The Committee on Appropriations recommended concurrence.

The amendment was concurred in.

The fourth amendment was read, as follows:

Strike out the words "and no" and insert "nor any;" so as to make the paragraph read as follows:

For stamped envelopes and wrappers, \$535,424: *Provided*, That hereafter no envelope, as furnished by the Government, shall contain any lithographing and engraving, nor any printing except a printed request to return the letter to the writer.

The Committee on Appropriations recommended concurrence.

The amendment was concurred in.

The fifth amendment was read, as follows:

In the paragraph appropriating for miscellaneous items \$2,500, strike out the following proviso:

Provided, That the monthly and annual reports of the Department of Agriculture shall pass free through the mails.

The Committee on Appropriations recommended non-concurrence.

The amendment was non-concurred in.

The sixth amendment was read, as follows:

Insert the following as a new paragraph:

For the purchase of law-books for the library of the office of the Assistant Attorney-General of the Post-Office Department, \$2,000.

The Committee on Appropriations recommended non-concurrence.

The amendment was non-concurred in.

The seventh amendment was read, as follows:

Insert the following as a new section:

That the revised statutes of the United States shall not be published by the United States in any newspaper, anything in existing laws to the contrary notwithstanding.

The Committee on Appropriations recommended concurrence.

The amendment was concurred in.

The eighth amendment was read, as follows:

Insert as a new section, the following:

SEC. 5. That on all newspapers and periodical publications mailed from a known office of publication or news agency, and addressed to regular subscribers or news agents, postage shall be charged at the following rates: On newspapers and periodical publications, four cents for each pound or fraction thereof: *Provided*, That the rate of postage on newspapers or periodicals, not exceeding two ounces in weight, and circulars, when the same are deposited in a letter-carrier office for delivery by the office or its carriers, shall be uniform at one cent each; but periodicals weighing more than two ounces shall be subject to a postage of two cents each, and these rates shall be prepaid by stamp.

The Committee on Appropriations recommended concurrence in the Senate amendment, with an amendment, to make the section read as follows:

SEC. 5. That on all newspapers and periodical publications mailed from a known office of publication or news agency, and addressed to regular subscribers or news agents, postage shall be charged at the following rates: On newspapers and periodical publications, issued weekly and more frequently than once a week, one cent and five mills for each pound or fraction thereof; and on those issued less frequently than once a week three cents for each pound or fraction thereof: *Provided*, That the rate of postage on transient newspapers or periodicals, not exceeding two ounces in weight, and circulars, when the same are deposited in a letter-carrier office for delivery by the office or its carriers, shall be uniform at one cent each; but periodicals weighing more than two ounces, sent to other than regular subscribers or news agents shall be subject to a postage of two cents each, and these rates shall be prepaid by stamp.

Mr. KASSON. It seems to me there is an error in the insertion of the word "transient" before the word "newspapers" if the proviso relates exclusively to papers, &c., sent for delivery by letter-carriers within the delivery of that office. The intention of the clause, I presume, is to subject such papers, whether transient or continuous, to the payment of one cent, because delivered by letter-carriers. I think, therefore, the word "transient" is an error.

Mr. TYNER. I think the gentleman from Iowa [Mr. KASSON] is mistaken. The first part of this section provides for the rate of postage on newspapers, which rate is of course to be prepaid. After fixing the rate of postage the proviso then goes on and declares that newspapers or periodicals not exceeding a certain weight shall go through the mails at a certain rate. The proviso, unless there is some qualifying term, will change the rate of postage fixed in the first part of the section.

The purpose evidently of the Senate was to provide the law as it now exists should be continued, and in order to avoid any mis-

take or misapprehension as to the first part of the section the Senate evidently intended to make a different rate of postage, or rather intended to continue the present rate of postage on transient matter. To make that purpose clear the Committee on Appropriations thought it necessary to insert the word "transient" before the word "newspapers." If the gentleman from Iowa will turn to the first part of the section he will see that it provides for sending newspapers and periodicals and publications mailed from a known office of publication or news agency and addressed to regular subscribers or news agents. That does not apply to outsiders, but only to subscribers or news agents. Without some such proposition as we have inserted the publisher or news dealer may send his transient mail-matter all over the country at the rate fixed in the first part of the section, and therefore the proviso changes the rate upon transient newspapers or periodicals from the rate fixed in the first part when the same is deposited in a letter-carrier office for delivery.

Mr. KASSON. I think what the gentleman from Indiana says implies that provision should be put somewhere, but the word "transient" where it is put relates exclusively to those newspapers or periodicals deposited in letter-carrier offices for delivery by the office or its carriers. Consequently if the word "transient" is left where it is it would leave these newspapers and periodicals to be sent within the local delivery subject to a postage, which it is not the intention of this committee to allow. I suggest that should be considered in the conference. Suppose instead of being transient the publishing office or news agent in New York chooses to send through the local office every day by the letter-carriers, then it would imply if they were regular issues and not transient they should come under the previous rate per pound, which it is not the intention to do, as I understand.

Mr. TYNER. Inasmuch as this can be determined more correctly by the conference, I have no objection to striking out the word "transient," where it is proposed to be put before "newspapers," and also in the latter part to strike out "sent to other than regular subscribers or news agents," and let the vote be taken on the balance of the section.

Mr. HAWLEY, of Connecticut. What does the gentleman now propose to do? I should like to understand it.

Mr. TYNER. I propose to strike out the word "transient" before the word "newspapers," and also to strike out the words "sent to other than regular subscribers or news agents" after the word "ounces" in line 11. That will leave the proviso precisely as it came from the Senate.

Mr. HAWLEY, of Connecticut. A newspaper published in a town which has a letter-carrier office would be obliged to pay three cents for postage, whereas if it went over to the next town in the same county it would go free.

Mr. TYNER. The gentleman will see by turning to section 7 it is there provided that newspapers, one copy to each actual subscriber residing within the county where the same are printed in whole or in part and published, shall go free through the mails; but the same shall not be delivered at letter-carrier offices or distributed by carriers unless postage is paid thereon as by law provided.

The provision to which the gentleman has called my attention simply requires the prepayment of postage where there is letter-carrier delivery of newspapers or periodicals.

Mr. HAWLEY, of Connecticut. Do you provide the daily newspapers shall go through the mails free?

Mr. TYNER. Not at all; but we propose, if the publisher of a daily paper shall send copies of his publication to subscribers to be delivered by letter-carriers, then postage shall be paid on them. But if the publisher of a daily paper shall send his paper through the post-office alone to a subscriber in the county, then this bill provides it shall go free. We only propose to charge postage to cover the service of the letter-carrier system.

Mr. HAWLEY, of Connecticut. Do you propose that it shall go free in a city where the letter-carrier system is established?

Mr. TYNER. Provided it is delivered at the post-office but not by the letter-carriers. The gentleman from Connecticut would not ask the passage of a law to load down the letter-carriers with daily papers to go through the mails and be delivered by these letter-carriers free of postage.

Mr. HAWLEY, of Connecticut. I think we are wrong in allowing a single ounce of mail matter to go free anywhere. If you made everybody in the country pay for every service rendered by the Post-Office Department you could reduce the newspaper rates below what they now are. The effect of the law as the House proposes to amend it is to offer the highest kind of protective duties for county weeklies and for county papers. You permit them to go entirely free through the mails and then you turn around and put a heavy burden upon the publishers of papers of more extended circulation and make them pay the expense of delivery of the entire newspaper press of the country. If you take the ground that no matter shall pass through the mails free, and stand upon it, and let all papers pay each in its own county as well as everywhere else—let every man who has an advantage from the Government pay for it—you can then put your rates down to one cent instead of anything going free, you can then reduce postage to the lowest rates possible.

Mr. POTTER. Does this provide for prepayment of postage on the part of newspapers circulating in the counties?

Mr. TYNER. There is no recommendation in regard to that by

the House Committee on Appropriations. The House is now considering the amendments of the Senate to this bill.

I will say, Mr. Speaker, that nearly all the remainder of this bill is simply a copy of certain changes which the House has already passed in the shape of two or three different bills that were reported here by the Committee on the Post-Office and Post-Roads. There are certain changes, however, that have been made by the Senate in which the Committee on Appropriations of this House recommend non-concurrence.

And now let me say a word in reply to the gentleman from Connecticut, [Mr. HAWLEY.] We have come nearly to the plan of requiring prepayment on nearly all classes of mailable matter. It is true that certain newspapers are permitted to go free in the mail in the counties of their publication. But there is so small a proportion of them that get into the mails at all that it may be said that even they do not vary the rule. For instance, the weekly newspaper in the county almost invariably delivers two-thirds or three-fourths of its circulation to its subscribers in the town or city where published. These newspapers are carried by the majority of the publishing houses to the post-office and never go into the mails, but are delivered at the delivery window of the post-office. A very few, a very small percentage, go into the mails and are carried short distances of from one to fifteen miles. That small proportion, I repeat, scarcely changes the rule. So that we have come down almost to the rule requiring everything that enters the mail to pay postage, and to prepay it also.

The daily newspaper stands precisely on the same footing with the weekly newspaper in regard to weekly circulation within the county. And I apprehend that the sober reflection of nearly all gentlemen here will bear me out in saying that this change in the law—a change in the law which has been in existence only for a year past—re-establishing the principle of free circulation within counties, is really right, in order not to impose a tax on the circulation of that class of intelligence which is the most unable to pay it.

Mr. GARFIELD. I desire my colleague, the gentleman from Indiana, to state what amount of increase is made in newspaper postage by the House bill over the present law, and how much by the Senate amendments.

Mr. TYNER. The present law, as the gentleman is aware, provides for a rate of postage on weeklies and semi-weeklies and dailies in proportion to the frequency of their publication. As nearly as the Post-Office Department has been able to reduce it to the cost per pound, this is a reduction, a very considerable reduction upon the postage on newspapers. But the change of providing for a prepayment, thus enabling the Department to collect all its revenues on this matter, has in my judgment, and I make the statement after very considerable reflection about it, reduced the actual cost per pound nearly or about 50 per cent., and will pay an increased postage or revenue to the Post-Office Department to the extent of not less than 300 per cent.

Mr. HOLMAN. I desire to ask my colleague what is the effect of the Senate amendment making the rate four cents per pound?

Mr. TYNER. The effect of that, in my judgment, would be to increase the rates of postage at least 200 per cent., and in some instances more than that, over the proposition heretofore adopted by the House. And another effect in my judgment will grow out of that. If we fix the rate of postage at four cents, so high a rate as that will induce all the publishing offices of the country to resort almost exclusively to the express companies for the delivery of their newspapers on short routes and within short distances, and will also induce them to send their publications through the mail when they have to be carried long distances, the result of which will be in my judgment to cheat the Post-Office Department out of a large proportion of the revenues that it now gets, and to enhance the revenues of the express companies in proportion.

Mr. HAWLEY, of Connecticut. I desire to make another suggestion as to what will be the effect of this Senate amendment, charging four cents a pound, which is a most extraordinary, extravagant, and unreasonable increase of the rate of postage. One other effect would be, as it is of the present law, to throw the whole burden of the postage on the publishers of the newspapers. That is the effect of the law. You say the publisher will get it out of his subscribers. You are by this law to levy—how much? Two million dollars?

Mr. TYNER. It will not amount to that.

Mr. HAWLEY, of Connecticut. You expect an increase—I understand some two million dollars. That is all to come out of four, six, or eight hundred persons in the country—the whole of it. You change the mode of collecting from the subscriber to the newspapers and the men who publish them. And this is a tremendous tax upon a comparatively few people of the country.

Ah, but you say it is like the whisky tax, which does not come out of the distillers, but the drinkers of whisky have to pay it ultimately. You say that the subscribers will have to pay this postage. Not at all. The publishers of newspapers now charge for their papers one or two dollars a year; they cannot charge \$1.03 or \$1.09 so as to cover the postage. I tell you, as a newspaper publisher, that we shall not change our yearly rates at all, but we shall shoulder this enormous burden, ranging from any sum as small as you please up to \$300,000 a year. I think there are newspaper establishments in the country that will

pay \$300,000 a year under this law; and it will be a long time before the matter can be so adjusted that the burden shall be divided between the publisher and the subscriber.

Mr. GARFIELD. I rise to oppose the amendment. I think the House may well devote some time to the consideration of this question in connection with four or five other amendments which follow it. They relate to one of the most important topics connected with our postal affairs that has yet been before Congress. We are here discussing not only the rate of postage on newspapers, but also the rate on merchandise, that question coming in in one of the Senate amendments. It is proposed by the Senate to put up the amount of merchandise that may be carried through the mails to four pounds. At present the amount is only twelve ounces. They propose to make it sixty-four ounces. The Senate proposes, also, to increase the charge for carrying newspapers to three or four times what it now is.

Mr. KASSON. These newspapers, to which the gentleman from Connecticut [Mr. HAWLEY] has alluded, according to my recollection raised their prices during the war to about double what they were before, and they have not since that time reduced the price. That is a point to be considered in connection with the alleged hardship upon newspaper publishers, in case they do not recover the whole amount from their subscribers.

Mr. HAWLEY, of Connecticut. That is a matter with which Congress has nothing to do.

Mr. GARFIELD. I think Congress should ascertain the original and present object of the Post-Office Department. A novel and remarkable proposition was made before the Committee on Appropriations a few weeks ago by an able gentleman who appeared before them in regard to the postal telegraph. He insisted that the object of the Post-Office Department was not to transmit intelligence at all, but to carry packages; that it did not make any difference to the Government what was in the package, but that a sealed package, not above a certain weight should be carried by the Government at a low rate, and that the transmission of intelligence was only an incident resulting from the transmission of a package. I have had occasion, since that gentleman appeared before the committee, to inquire into this question historically to ascertain whether that was the object in the minds of our fathers when they created the Post-Office Department. I have copied the first resolution that I can find under the old Confederacy, and which originated our present Post-Office Department.

I find the first notice of the Post-Office in the Journal of the Confederation May 29, 1775, as follows:

As the present critical situation of the Colonies renders it highly necessary that ways and means should be devised for the speedy and secure conveyance of intelligence from one end of the continent to the other—

Resolved, That Mr. Franklin and others be a committee to consider the best means of establishing post for conveying letters and intelligence through this continent.

This, Mr. Speaker, was the corner-stone of our postal system. The report was read July 25, 1775, and agreed to July 26, and B. Franklin was appointed Postmaster-General, and a line of posts was established from Falmouth in Maine to Savannah, with as many cross-posts as the Postmaster-General should think fit.

In 1782 the first ordinance was passed regulating the post-office, with the following preamble: "Whereas the communication of intelligence with regularity and dispatch from one part to another of this United States is essentially requisite to the safety as well as the commercial interest," and the Congress being "vested with the sole and exclusive right and power of establishing and regulating post-offices throughout the United States;" therefore, &c., the Postmaster-General and his agents, &c., and no other person, "shall have the receiving, taking up, ordering, dispatching, sending post or with speed, carrying and delivering of any letters, packets, or other dispatches from any place within these United States for hire."

Such was the beginning of our postal system, which was organized for the purpose of transmitting intelligence, and not as an express for packages. The transmission of packages was authorized only because the packages contained intelligence.

Now, it is from this stand-point that I approach the question of postage on newspapers. We are met with this argument; we are told, and told truly, that 78 per cent. of all the matter that passes through the mails is newspapers, and that the newspapers paid during the last year a little more than \$1,000,000 of the twenty-nine or thirty millions that were paid as postage, and yet the newspapers furnished over 78 per cent. of the weight of our mails. We could not defend that as a matter of justice, if it was the business of the Post-Office Department to carry packages as an express agency.

Now I take it that the Senate in their amendment have gone over to the express theory of the Post-Office Department. They have enlarged to four pounds the amount of merchandise of any sort that may be sent through the mails, and have raised the price of postage on newspapers to four cents per pound, at least treble the present rate. They have overthrown the theory upon which the post-office was founded, and propose to convert it into an express office. If that theory be the true one, then we ought to charge far more for transporting a newspaper than a letter, because it weighs more. If the theory of charging by weight and distance is to prevail, then as a matter of course the Senate is right, only they ought to have gone

further and made the newspaper pay eight or ten times as much as a letter, in proportion as its weight is greater.

[Here the hammer fell.]

Mr. ELLIS H. ROBERTS obtained the floor.

Mr. GARFIELD. I desire to conclude this line of thought.

Mr. ELLIS H. ROBERTS. I will yield my time to the gentleman.

Mr. GARFIELD. I wish to call attention to another thing. In 1841 an attempt was made to readjust our postal system in regard to rates, and to make newspapers pay a larger share comparatively of the expenses of the Post-Office Department than they were then doing. The result of it all was that the rate of letter postage was decreased, while the rate of newspaper postage was kept substantially the same.

I have no doubt that upon the theory which the Senate seem to have adopted they have not gone even far enough. But I contend that the original theory, and the one which we ought to maintain, is that the Post-Office Department was created not for the purpose of revenue, but for the purpose of disseminating intelligence throughout the country. Therefore, where there is intelligence of so public a nature and of such general importance as that in the newspapers we give it the preference, and that is the reason why the newspaper should have the preference over the letter. I send a letter to a friend; it is a matter that concerns only him and me. But the news of the crops, of the business, of the commerce and the trade of the country is a matter that at once concerns millions of people. Therefore, for the public good, for the general welfare, the newspaper ought to be sent at a less cost than the private letter.

I am clear also that the Senate is right in one thing, and that is that the postage on newspapers should be prepaid. I have here the statistics of last year, which I think will be of some service to the House. In 1873 the actual legal charge for postage on newspapers amounted in the aggregate to \$2,718,241. Yet there was collected and paid into the revenues of the Post-Office Department for postage on newspapers only \$1,072,998, a little more than one-third of the legal charge. It is fair to say that substantially only about 30 per cent. of the entire legal charge of carrying the newspapers in the mails was paid. Why? I can give the House an illustration in my own district. I recollect seeing last fall a postmaster in a country office where the revenue of the office was very small; perhaps the fees of the office did not produce a salary of more than \$100 per annum. The man said to me: "I collect a hundred accounts every quarter for postage on newspapers, or four hundred accounts a year, at nine cents each. In other words, I have to open four hundred accounts, each account amounting to only nine cents, and I must collect them. In doing so I have an infinite amount of trouble. A man comes in for his newspaper; he has not the money to pay the quarter's postage, or he cannot make the change, or I cannot make it, and I violate the law and let him have the paper for several weeks without paying the postage. He is a friend of mine; I do not want to make him angry, and finally I pay the postage out of my own pocket." Or, what is true in a great majority of cases, it is never paid, but returned as delinquencies. It is a miserable, trifling, little pecuniary business. We ought to fix the rate at that which we determine should be fixed, not a high rate; the Senate has fixed too high a rate, but the House has fixed a rate which is really a reduction. We ought to fix that rate, and stand by it, and provide that it shall be prepaid before the newspapers go into the mails.

Mr. HAWLEY, of Connecticut. I hope the gentleman did not understand me as opposing the prepayment of newspaper postage.

Mr. GARFIELD. O, no.

Mr. HAWLEY, of Connecticut. I do not know any one engaged in the business who does not think prepayment a wise and proper rule. And all that the gentleman has said about the annoying character of these little collections is true. But make your rate low, and you will get more money.

Mr. GARFIELD. The House will remember that some months ago we discussed the question of freedom of transmission of newspapers in the counties where published. I expressed my opinion on that subject, and as a result I have been very considerably criticised by those who thought I was attacking the metropolitan press and praising especially the country press. I argued then upon the same principle which Benjamin Franklin laid down when he organized the Post-Office Department, that it was for the diffusion of intelligence and not for revenue that the postal system was established. I said then and I say now, for I am confirmed in my belief, that no greater injustice can be done than to establish a dead-level rate of postage for newspapers in the counties where they are published. In fact, the first law that Franklin introduced made a discrimination based on distance; and I think it is worth while to refer to it here. The first notice of newspapers in our postal laws was in the ordinance of 1792. The service had existed about twenty years before the newspapers were recognized, they being so few in number and of such little weight in comparison with letters. But in 1792, few as newspapers then were in comparison with what they are now, it had become important to recognize them, and an ordinance was passed declaring—

Newspapers shall be carried in a separate bag from letters, and charged one cent for one hundred miles and one and a half cents for a greater distance.

Letters of course were rated much higher.

The newspaper continued to be an inconsiderable feature of the postal-service till about the end of the first quarter of the present century, but about that time the price of paper was greatly reduced, the size of newspapers greatly increased, and complaints were made by the Postmaster-General of the excessive weights of papers in proportion to the letters, and as early as 1838 an estimate was made of comparative weight of letters and papers sent from the five largest cities of the Union in a week. The weight of the letters were fourteen hundred and twenty-eight pounds and of the papers fifty-five thousand two hundred and forty-one pounds, while each letter paid an average twelve cents, and each paper one cent.

It was urged that it was unjust that letters should bear almost the entire expense of the Post-Office Department; that the postage on papers should be increased and that on letters diminished. The Postmaster-General in 1841 proposed an increase of 100 per cent. on the postage of printed matter converted into weight, with a reduction of 25 per cent. on letter-postage and prepayment on letters and papers.

To the advance of rates on papers it was replied that as the post-office was established for the diffusion of intelligence, and as newspapers performed that service for the public which letters did for the individual, and as the letter-postage was less than by any other means of conveyance, it was in the public interests that low rates on papers should be maintained. Congress therefore reduced the rates both on papers and letters, making them in each case depend on weight, and without regard to distance of transmission, requiring prepayment on letters but not on newspapers. With some modifications this has continued to be the law until the present time.

I think they were right to recognize as they did in the early days of the Government the difference between a local circulation and a general, wide-spread circulation of newspapers. If we propose by our legislation to do justice to the various interests of the country we ought to make some difference without respect.

I do not say as an independent question that the country newspapers ought to be free; that they have any special claims to total exemption from postage; but I do say that they have a right to have a difference made in their favor on the score of the small distances which they are transmitted. Of course the city newspapers are free within their respective counties as the country newspapers are. It was not merely for the country papers, but for relative justice that I pleaded when speaking on this subject several months ago.

I have no doubt it would be more just if we had a graded rate based upon the limits of distance and weight; yet that would be too cumbersome, and perhaps the order that is now adopted in this bill ought to stand. I wish, for one, to disclaim any purpose of assault on the newspapers on the one hand, or of toadying to them on the other. I stand by the old theory and traditions of the Government in regard to the Post-Office Department.

Mr. ELLIS H. ROBERTS. I move to amend the amendment presented by the committee by substituting one cent in place of one cent and a half, and two cents instead of three cents.

I recognize the force of the argument for prepayment; but I do not recognize the accuracy of the figures which are here presented. It is claimed that the postage upon newspapers carried through the mails during the past year would have been nearly \$2,700,000, while the amount collected was but \$1,072,000. Gentlemen have chosen to make a calculation based upon these figures; but I venture to say that their results are inaccurate. They can have no data to justify the estimate which has here been submitted. I do not question the honesty of their intentions; but they are making calculations about that which is necessarily uncertain, and they reach a conclusion which is absurd upon its face. The claim that there was a failure on the part of the postmasters to collect \$1,700,000 of postage which should have been collected on newspapers should have taught them that their calculations are radically wrong.

The postage as it stands is so high as to drive a great many newspapers out of the mails. They are compelled to rely upon other facilities for reaching their subscribers, because the postage now is too high. They do not object to prepayment; but if you get all of this \$2,700,000, (which is the calculation as to the amount that should be obtained from newspapers going through the mails,) if you have sure pay upon the newspapers, you can carry them for even a lower rate. The tendency of the present system, as the experience of gentlemen experienced in postal matters will testify, is to drive newspapers out of the mails for all short distances. Practically you carry in the mails only the newspapers that go a great ways. Now, if you want to get the profitable business for the mails, you must make your rates low enough to attract it; and in my judgment they ought not to be higher than one cent for weeklies and dailies, and two cents for magazines. Such a discrimination as now exists ought not to be made between magazines and newspapers, because the greater amount of business furnished by the dailies and weeklies places them within the range of a wholesale business; whereas the magazine postage, large as it is, must be in the aggregate very much less than the newspaper postage.

Gentlemen tell us a great deal about the weight of newspapers. Some of them are the very gentlemen who argued a while ago that weight made no difference at all, when they wanted agricultural reports carried for nothing. If that argument is sound, I would be glad to borrow some of the eloquent sentences of my friend from Illinois [Mr. CANNON] who tried to teach us that it did not make any

difference how much the mails weighed. But it does. What I want is that you shall fix some fair rate for a wholesale business when you ask for prepayment. That is all we ask.

The newspapers of this country do not want any sympathy from this body or any other body. They ask for justice; that is all. I know, Mr. Speaker, that this body, at least, is not going to legislate against newspapers out of spite. Bear in mind, gentlemen, great as you may be, and long as you may live, your career is short compared with the life of a great newspaper. The newspaper is an institution of this country, and there is no man so great that he can afford to sneer at it. I only choose now to say that the newspaper asks no favors, asks no sympathy. If you choose to legislate from spite you may, and newspapers will be carried outside of your mails.

[Here the hammer fell.]

Mr. CANNON, of Illinois. Mr. Speaker, I wish to refer to the remarks of the gentleman from Ohio [Mr. GARFIELD] for a moment before referring to what the gentleman from New York [Mr. ELLIS H. ROBERTS] has been talking about. I understand the gentleman from Ohio antagonizes the Senate amendment which provides that mailable matter of the third class may weigh not exceeding four pounds for each package, and postage shall be charged at the rate of one cent for each two ounces or fraction thereof. I claim that is a proper amendment. It is substantially the same provision contained in the bill passed by the House the other day which was reported from the Committee on the Post-Office and Post-Roads. I claim it is right not only as a matter of justice to persons who live in portions of the country where there are no express offices, but it is right also as a matter of revenue for the Department, and whoever antagonizes an amendment of that kind, while he may not do it intentionally in favor of the express companies, nevertheless is in fact operating in their favor and against the convenience of the people of the country.

In seven of the principal cities last winter the mails were weighed for thirty days, and there were in round numbers one hundred and twenty thousand pounds of books and merchandise producing \$20,000, of postage. For the same thirty days the newspapers and periodicals mailed in the same seven cities weighed four million pounds, which at a cent and a half a pound, the rate which the gentleman proposes to fix, would produce only \$60,000, but which, if charged at the same rate as books and seeds and cuttings, would produce near half a million of dollars. Yet the gentleman from Ohio claims you should not carry four pound packages of third-class mailable matter which produces this kind of revenue. I say as a matter of justice to the people and as a matter of justice to the revenues of the Post-Office Department this third-class mailable matter should go through the mails as provided for in the amendment of the Senate.

But the gentleman from New York [Mr. ELLIS H. ROBERTS] says we have no data that the revenue would be \$2,000,000 on papers and periodicals at the rate which is proposed shall be fixed by the committee. I say we have the data in the census report of 1870, and also in this weighing for thirty days in these seven principal cities of the country. Newspapers, periodicals in these principal cities for thirty days weighed four millions of pounds. For the entire year that would make 48,000,000 pounds for these seven cities alone. Calculation to produce \$2,000,000 of revenue at the rate proposed is upon the basis of 97,000,000 of pounds. You will notice, therefore, that these seven principal cities would give over one-half of the amount necessary to produce this amount. Therefore I say you are not groping in the dark, but you can calculate with as great certainty as you can in reference to anything in the future not absolutely certain that there will be this amount of newspapers and periodicals going through the mails at this reduced rate.

Mr. ELLIS H. ROBERTS. The gentleman from Illinois states that a certain amount was carried through the mails for a certain period, and then makes a calculation according to the census of 1870; is not that a guess?

Mr. CANNON, of Illinois. It is not a guess; the observation of postmasters and the ascertained facts show that it is correct, and such calculation is verified by the weighing of mails for thirty days in those seven principal cities.

Mr. ELLIS H. ROBERTS. He weighed within a certain territory and found a certain result and doubled that result. I think that cannot be called anything else than a guess.

Mr. CANNON, of Illinois. No, sir; one fact verifies the other. If seven cities mail forty-eight million pounds of newspapers in a year, certainly the whole of the balance of the United States would mail as much more.

Mr. ELLIS H. ROBERTS. His calculation is the result of a guess, very ingenious, perhaps, but nevertheless a guess.

Mr. CANNON, of Illinois. The gentleman wants to have the last word. So be it.

Mr. G. F. HOAR rose.

The SPEAKER *pro tempore*. No further amendment is in order.

Mr. ELLIS H. ROBERTS. I withdraw my amendment on condition the gentleman renews it.

Mr. G. F. HOAR. I have listened to the distinguished gentleman from New York, [Mr. ELLIS H. ROBERTS]—his speech to-day and his speech on the general question some weeks ago—with less pleasure than that which I usually derive from what he has to say to the House, because it seems to me in discussing the effect of this legislation upon a portion of the people he has fallen into the common error

of supposing his opponents influenced by a mean or low motive which may possibly enter some minds rather than by a general desire to do what is right and for the public interest.

Mr. ELLIS H. ROBERTS. O, no.

Mr. G. F. HOAR. He said the other day in substance if the House expected to curry favor with the country press by giving them their newspapers free they were mistaken.

Mr. ELLIS H. ROBERTS. I say it now.

Mr. G. F. HOAR. He warns us now against legislating out of spite, and compares the length of the life of a great newspaper with the length of the career of a man in public station. But, Mr. Speaker, that is not the motive with which the gentlemen of this House are addressing themselves to this important public question. It is not in the least a question of the interest of the publisher of a newspaper. We have to deal with the question of the interest of the reader—the man who is to receive the newspaper. Now, the little local newspaper is a necessity of life to the people in the neighborhood where it is circulated. The widow, the laborer, and the poor man in the country like to have on Saturday night for the family reading the weekly newspaper which has the current county news, and the weekly newspapers are of such a class and the people who take them are of such a class, that the burden of postage may be a very serious burden in determining the question whether they can take the paper or not. On the other hand, the large daily newspaper of the metropolis is supported by the advertisements of the business and wealth of the country, and colossal fortunes are made by these long-lived newspapers after they once get established, while the little weekly newspapers perish like the leaves of the autumn.

The gentleman from Connecticut, [Mr. HAWLEY,] an old newspaper publisher, declares that whatever may be the postage we put upon the city paper it makes no difference to the subscriber, but that the publisher would and could shoulder the entire burden. Now, therefore, it is important for us in our legislation to encourage as far as possible and as far as is necessary, by lightening the burden, the circulation of this information among the people by the press, with the influence it exerts in enabling the American people to govern themselves. The press of this country, Mr. Speaker, has a great power, a great educational influence. I recognize its power; I recognize its value. It has its errors, it has its sins, it has its crimes, it has its licentiousness, it has its recklessness. It also has its honest and generous support of what is good and true. The cure for the evil which to-day prevails in the American press, as in the press of every generation since newspapers have existed, is the multiplication and not the suppression of the circulation of the newspapers.

[Here the hammer fell.]

Mr. G. F. HOAR. I should like to have just three minutes more.

Several MEMBERS. Go on.

Mr. G. F. HOAR. If the great newspaper of New York misrepresents the men in this House in their public conduct, thereby striking a blow at the very principle of self-government itself, because under the shadow of every calumny printed against the pure man ten knaves escape the just punishment of public indignation, and the knavery which exists—and it does exist—in our Government to-day is shielded by the unjust attacks made upon honest and faithful public servants, teaching people to look upon all public men as alike bad—if the great newspaper of the metropolis engages in that work of misrepresentation, the cure for that evil is to put by its side ten other newspapers of equal circulation, and out of these eleven or twelve newspapers the people will sooner or later learn to pick out the truth. I go, Mr. Speaker, for reducing the postage on both classes of newspapers to as low a rate as the public burdens and the state of the public service and the condition of the public Treasury will permit. And I trust my friend from New York, whom I honor as much as I do any man—there is no man whom I honor more on this floor—will not attribute to me either the desire to curry favor with the country newspaper or to wreak spite against the city paper when I give my vote.

Mr. ELLIS H. ROBERTS. Mr. Speaker, the newspapers of this country, as of all countries, must be made by men. The newspaper will have human frailties and will represent human passions. It would be fortunate for us if it were not also true that a legislative body represents human frailties and embodies human passions. For much of what the gentleman from Massachusetts [Mr. G. F. HOAR] has said I thank him, because I know that the compliments he pays to the press are not mere words.

Now, the practical question is whether you are to make your postage so high as to be in the interest of the richest newspapers, or whether you will adopt such a rate as shall be in the interest of the Government, in the interest of the Post-Office Department.

Mr. G. F. HOAR. I do not differ with the gentleman as to that.

Mr. ELLIS H. ROBERTS. I know that the gentleman from Massachusetts does agree with me as to the rates; and it seems to me that it is essential that we should adopt such a rate that it may not depend on the mere word of the gentleman from Massachusetts, good as that word is, to prove that we do not legislate out of spite. I know that newspapers sometimes indulge in unjust criticism, but they also often speak necessary and proper judgment. When their censure is not deserved, when it descends to slander, we must rely upon character to stand up against it—character which is above abuse, which adorns this Hall, and which is the safety of this Repub-

lie. I want the action of this body to be not only just, but to be so just that no fair man can complain of it. And therefore it seems to me that the amendment which I move presents the equitable and proper figure to adopt in this bill.

Mr. HAWLEY, of Connecticut. I wish to make a single remark. The gentleman from Massachusetts [Mr. G. F. HOAR] did not quite do me justice in saying that I acknowledged or asserted that all this postage, now that it must be prepaid, must come out of the greater newspapers. That expression requires modification. I said it would not at present increase the rates of subscription. It would take a long time, I said, before the business so worked round as to get the money from the subscriber. But if those papers on the average pay now only a fair profit and this is a deduction from their fair profit, it is inevitable under the ordinary laws of business that in time they will come to collect all this from their subscribers. That unquestionably will be the result.

Now the hardship of this law is in the violence of the change and in the sudden concentration of a small tax upon a few persons. I therefore would like very well, and I think it would be better for the service in the long run, to begin with the low rates suggested by the gentleman from New York [Mr. ELLIS H. ROBERTS] even if we should collect no more revenue than now; and then in a year or two, after the business had been adjusted and if required by the exigencies of the public service, to increase it a trifle.

I say make it very low, because you change the method of collection. It had better be one or two cents per pound now, and then a year or two hence when the business adjusts itself you can add a cent or half a cent.

Mr. COBB, of Kansas. Suppose we put it at one cent per pound, as proposed by the gentleman from New York, [Mr. ELLIS H. ROBERTS,] does the gentleman from Connecticut suppose that any Congress will hereafter ever raise the rate of postage? Has such a thing ever been done?

Mr. HAWLEY, of Connecticut. I suppose Congress will raise it if they find they cannot afford to carry this matter at the rate now fixed.

Mr. COBB, of Kansas. Is it not a fact that in fixing the rate of postage on newspapers by this bill we are fixing it for all time? It has been the uniform practice of the Government to diminish the rates of postage instead of increasing them, and if we once fix it at this rate it will never be placed at a higher rate, and moreover next year the gentleman from Connecticut or some one else will move to make the rate half a cent per pound and finally the postage on this matter will be abolished altogether.

Now a word more. It seems to me that the bill which passed the House, being reported from the Committee on the Post-Office and Post-Roads, fixing the rate of postage at one and a half cents per pound on newspapers and on periodicals at three cents a pound, was the proper thing. It seems to me that if Congress intends to fix any rate of postage upon these publications it ought to fix the rate at something which will be a compensating rate. If not, wipe it out entirely. It cost \$26,000,000 last year to transport the mails, and of that \$26,000,000, \$25,000,000 was the cost for the transportation of express matter and newspapers. We received in return for that something a little over a million dollars for an expenditure of \$25,000,000. It seems to me that it would be the fair thing and the right thing either to impose a proper rate of postage or to wipe out this charge altogether and transport this matter through the mails free.

Mr. HAWLEY, of Connecticut. I hope the gentleman will put a mark of interrogation at the close of his remarks, for he interrupted me on the plea that he desired to ask a question.

The question was upon the amendment offered by Mr. ELLIS H. ROBERTS to the amendment reported by the Committee on Appropriations.

Mr. ELLIS H. ROBERTS. I desire to state to the Chair that my amendment is an amendment to the amendment of the Committee on Appropriations. The committee propose one cent and three mills and three cents as the rates. I propose one cent and two cents.

Mr. TYNER. If the Chair will bear with me I will state the proposition. The Senate proposes to make the rate four cents per pound; the Committee on Appropriations propose one and a half cents and three cents. The gentleman from New York proposes to fix it at one cent and two cents per pound.

The question was taken on the amendment offered by Mr. ELLIS H. ROBERTS, and it was not agreed to.

The question recurred upon the amendment reported by the Committee on Appropriations.

Mr. TYNER. I propose to withdraw that part of the amendment of the committee which attaches to the proviso to the section. The amendment of the Senate will then be agreed to with an amendment, and the proviso will be open to such changes as the committee of conference may think necessary.

Mr. KASSON. I think it is necessary that there should be an amendment striking out the proviso so as to bring it within the purview of the committee of conference.

Mr. TYNER. I think not.

Mr. GARFIELD. O, no; the proviso is a part of the section.

Mr. KASSON. But you propose to concur in the proviso without any amendment.

Mr. GARFIELD. The proviso is a part of the section. We have

amended the section, and that leaves it to the conference committee to make any changes in it or in the proviso to it that they may deem fit.

Mr. KASSON. Very well.

The question was taken upon Mr. TYNER's motion; and the amendment of the Senate was concurred in with the amendments recommended by the Committee on Appropriations.

The next amendment of the Senate was read, as follows:

That upon the receipt of such newspapers and periodical publications at the office of mailing they shall be weighed in bulk, and postage paid thereon by a special adhesive stamp, to be devised and furnished by the Postmaster-General, which shall be affixed to such matter, or to the sack containing the same, or upon a memorandum of such mailing, or otherwise, as the Postmaster-General may, from time to time, provide by regulation.

The Committee on Appropriations recommended concurrence.

The amendment was concurred in.

The next amendment of the Senate was read, as follows:

The newspapers, one copy to each actual subscriber residing within the county where the same are printed, in whole or in part, and published, shall go free through the mails; but the same shall not be delivered at letter-carrier offices or distributed by carriers unless postage is paid thereon as by law provided.

The Committee on Appropriations recommended concurrence.

The amendment was concurred in.

The next amendment of the Senate was read, as follows:

SEC. 8. That all mailable matter of the third class, referred to in section 133 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, may weigh not exceeding four pounds for each package thereof, and postage shall be charged thereon at the rate of one cent for each two ounces or fraction thereof; but nothing herein contained shall be held to change or amend section 134 of said act.

The Committee on Appropriations recommended non-concurrence.

Mr. CANNON, of Illinois. I understand that the committee recommended non-concurrence in that amendment.

The SPEAKER *pro tempore*. The committee do recommend non-concurrence.

Mr. CANNON, of Illinois. I move to amend so as to concur in the Senate amendment.

The SPEAKER *pro tempore*. The gentleman has only to ask a division upon the question of concurring; that is the parliamentary form in which the question is put.

Mr. CANNON, of Illinois. Before the vote is taken I desire the attention of the House to this section of the Senate amendment. The gentleman from Ohio [Mr. GARFIELD] referred to it in his remarks a few moments since. I replied to him very briefly. And I want the attention of the House called now to the fact that the gentleman from Ohio [Mr. GARFIELD] now proposes that third-class matter, in packages of the size of four pounds, shall not be allowed to go through the mails, although it may pay postage. And I want again to call the attention of the House to the fact that this class of matter, at the rate of postage proposed, will yield an absolute revenue to the Department sixfold greater than newspapers will yield.

I have in my district, and I see many gentlemen before me who I know have in their districts, men who live at a distance from express-offices and who cannot avail themselves of the express office, and to whom it would be a great convenience to receive packages of third-class matter through the mails. Then both as a matter of convenience to the masses of the people of the country and as a matter of revenue, which we need in the Post-Office Department, it is wrong to non-concur in this amendment of the Senate. Not only was this subject considered in the House the other day when a bill on the subject was passed, but the Senate adopts and accepts the proposition, and yet the Committee on Appropriations propose that it shall be rejected.

I stand here to say that it is not in the interest of the people nor of the Post-Office Department nor of anybody in the world except express companies that we should vote down this proposition. And if gentlemen want to make a record against the proposed amendment, that is their lookout and not mine. I only want the attention of members called to it so that they may realize what it is proposed they shall do when they are asked to non-concur in this amendment.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was delivered to the House by Mr. BABCOCK, his Secretary, who also informed the House that the President had approved and signed bills and joint resolutions of the following titles:

An act (H. R. No. 208) for the relief of Julius Griesenbeck, of Waco, Texas;

An act (H. R. No. 280) granting a pension to Ann Crane;

An act (H. R. No. 735) to increase the pensions of soldiers and sailors who have been totally disabled;

An act (H. R. No. 1045) for the relief of B. W. Harris, late collector of internal revenue for the second district of Massachusetts;

An act (H. R. No. 1051) for the honorable discharge from their several positions in the Army of Captain J. Horace McGuire, First Lieutenant Henry R. Gardner, Second Lieutenant William D. McGuire, and Second Lieutenant William C. Reddy, all late of the Tenth Regiment United States Colored Artillery, (heavy,) and directing their honorable muster-out of the service of the United States as of the date of their dismissal;

An act (H. R. No. 1706) to authorize the widening of Wight street

through the grounds of the United States marine hospital at Detroit, Michigan;

An act (H. R. No. 1768) for the relief of Ephraim Showalter;

An act (H. R. No. 1828) to further continue the act to authorize the settlement of the accounts of officers of the Army and Navy;

An act (H. R. No. 1931) to authorize the sale of the military reservation of Fort Reynolds, in Colorado Territory, and the Government buildings thereon;

An act (H. R. No. 2208) authorizing the President to reinstate George M. Book on the active list of the Navy;

An act (H. R. No. 2211) for the relief of Beck & Wirth;

An act (H. R. No. 2359) to authorize and direct the Secretary of War to reserve from sale ten thousand suits of old and disused Army uniform clothing, now in the Quartermaster's Department of the Army, and to transfer the same to the National Home for Disabled Volunteer Soldiers;

An act (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;

An act (H. R. No. 2453) to increase pensions in certain cases;

An act (H. R. No. 2697) to create an additional major of artillery and to promote Captain James M. Robertson;

An act (H. R. No. 2704) for the relief of Selden Connor;

An act (H. R. No. 3073) relating to ambassadors, consuls, and other officers;

An act (H. R. No. 3183) for the relief of Jonathan D. Hall;

An act (H. R. No. 3237) to authorize the First National Bank of Seneca to change its name;

An act (H. R. No. 3303) to extend the time for filing claims for additional bounty under the act of July 28, 1866;

An act (H. R. No. 3335) authorizing the Secretary of War to grant a right of way across a corner of the Fort Gratiot military reservation to the city railroad company, Port Huron, Michigan;

An act (H. R. No. 3359) fixing the time for the election of Representatives from the State of Pennsylvania to the Forty-fourth Congress;

An act (H. R. No. 3575) for the relief of certain settlers on the public lands in certain portions of the States of Minnesota and Iowa;

An act (H. R. No. 3601) to admit free of duty articles intended for the international exhibition of 1876;

An act (H. R. No. 3672) authorizing the board of commissioners of the Soldiers' Home to sell the property belonging to the Soldiers' Home, situated at Harrodsburgh, Kentucky, and known as Harrodsburgh Springs property;

A joint resolution (H. R. No. 53) authorizing the issue of clothing to certain enlisted men of the Army; and

A joint resolution (H. R. No. 107) providing for the termination of the treaty between the United States and His Majesty the King of the Belgians, concluded at Washington July 17, 1858.

The message further announced that the following bills, not having been returned by the President with his objections to the House in which they originated within ten days from the time they were presented to him, as prescribed by the Constitution, had become laws without his signature and approval:

An act (H. R. No. 1582) for the relief of C. C. Spaid;

An act (H. R. No. 1770) for the relief of Jonathan L. Mann, late a chaplain in the volunteer service of the Army; and

An act (H. R. No. 3174) explanatory of the act of June 30, 1864.

POST-OFFICE APPROPRIATION BILL.

The House resumed the consideration of the Senate amendments to the post-office appropriation bill.

The pending question was upon the following amendment of the Senate:

SEC. 8. That all mailable matter of the third class, referred to in section 133 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, may weigh not exceeding four pounds for each package thereof, and postage shall be charged thereon at the rate of one cent for each two ounces or fraction thereof; but nothing herein contained shall be held to change or amend section 134 of said act.

The Committee on Appropriations recommended non-concurrence.

Mr. TYNER. I disagree with the gentleman from Illinois [Mr. CANNON] in regard to the recommendation of the Committee on Appropriations concerning this amendment. As the law now stands merchandise can be transmitted through the mails in parcels not exceeding twelve ounces in weight. Now in my judgment the purpose of a post is not to convey express matter through the mails all over the country. The object of the Post-Office Department is simply to convey intelligence to the people either in printed or written form. Whenever you go beyond that, and admit express matter, merchandise, or anything of that character in the mails, then you do it only as a matter of convenience to the people. I admit that there are some localities in the United States that are rather remote from express offices, and it seems to me that the Government should provide some mode by which they may receive packages of this sort. But when Congress authorized the transmission of packages of twelve ounces in weight through the mails it made as great a concession to the public interest, in my judgment, as it ought to do. If you now provide that these packages shall be conveyed in the mails to the extent of four pounds in weight, it will not be twelve months before

the proposition will be made here to increase the weight of packages to six, eight, and ten pounds; and your post will become an express package-carrier, instead of a bearer of intelligence among the people.

Mr. HALE, of Maine. Let me inquire if one result of such a proposition would not be that every railroad corporation now carrying the mails will claim to have their rates of compensation doubled and trebled?

Mr. TYNER. The law regulating the manner of compensating railroad companies for carrying the mails provides that they shall be paid according to weight. If you load your mails down with merchandise, as a matter of course when you come to readjust the compensation of railroad companies you must pay them for carrying merchandise as well as for carrying mail matter proper.

Mr. FORT. Mr. Speaker, I am not entirely certain that I understand what this amendment imports. I understand, however, that it would admit into the mails packages not exceeding four pounds in weight of any merchandise or thing that will not damage or interfere with the transmission of mail matter in the mail-bags. If that is the case, then I am in favor of the provision, not only because it is clearly in the interest of the people, but because it is also in the interest and profit of the Post-Office Department, this amendment should be adopted.

It will take any gentleman but a moment to figure up and see what profit the Government will make by carrying these packages in the mails for the convenience of the people. It is eight cents per pound, and, as I figure it, the Post-Office Department will receive \$160 per ton for this kind of matter under this amendment. Am I not right? Then if the Government will receive \$160 per ton for carrying these packages for the convenience of the people, the Post-Office Department will make a good profit, and it occurs to me that there is no great danger that the railroad companies can possibly so increase their rates for carrying the mails as to make the Government lose money in carrying these packages.

Mr. GARFIELD. The gentleman speaks about the Government receiving \$160 per ton for these packages. For what number of miles? The railroad companies receive so much per mile.

Mr. FORT. The postage to be paid on this matter will amount to \$160 per ton for a long or short distance. If you put a ton weight of these packages in the post-office in New York to go one hundred miles the Government would get \$160 for it. If I send it a thousand miles or to San Francisco the Government will receive the same sum, and it would well pay the Government for carrying these packages that distance.

Mr. GARFIELD. But we have to pay the railroads for carrying our mails; we pay them not only by the ton but by the mile.

Mr. FORT. Yes, sir; but the Government would make money on any distance. The Post-Office Committee understand no doubt how the contracts are made with the railroad companies to carry the mails. I understand those companies are paid so much per mile per pound; but I ask the gentleman who has charge of this bill [Mr. TYNER] whether the Government ever pays \$160 a ton for carrying mail matter any distance in the United States; and, Mr. Speaker, whether these packages are not carried over from three to five hundred miles on the average?

Mr. TYNER. It does. Some of the railroad companies receive fifty dollars per mile for carrying two hundred pounds of mail matter per day. The gentleman, if he will figure that up, will find it amounts to about eight cents a pound. Undoubtedly it is the fact that the greater the quantity of matter passing over a road the less are the rates per pound.

Mr. FORT. Yes, but that is for carrying that amount every day in the year. The gentleman does not mean that it costs fifty dollars for carrying two hundred pounds one mile as he states it.

By examination of carefully prepared reports and papers of Mr. Bangs, superintendent of the railway mail service, who seems to clearly understand his official duties, it will appear that these packages can be carried for the people cheaply and at the same time the Government will make money by doing this service.

That is a question which the Post-Office Committee can settle. But in my judgment this is a provision in the interest of the people, and not in the interest of express companies. The people all over this broad country are interested in receiving at cheap rates small packages. They cannot afford to pay the heavy express charges. We all know that matter sent by express passes frequently through the hands of several express companies before reaching its destination, and thus the charges are increased. There would be nothing of the kind to increase the expense in the Post-Office Department. I trust the amendment will be adopted.

[Here the hammer fell.]

Mr. GARFIELD. Mr. Speaker, in two respects we are departing from the traditions of the post-office. I have already tried to point out one; I will now point out another. For the first fifty years of the postal service down to October 1, 1829, the total receipts for postage were \$26,889,000 and the total expenditures on account of postage \$25,246,400. In other words, for the first fifty years of the postal life of this country our Post-Office Department was not only self-sustaining, but paid a revenue of about one million and a half of dollars into the Treasury.

Now, I do not believe we ought to undertake to make the Post-Office Department a source of revenue, but I do think we should

endeavor to make it self-sustaining. It ought to stand on its own ground. In view of the fact that during the first fifty years of this Government our total expenditure for postal service was but twenty-five millions and a quarter of dollars. I am amazed at the fact that we appropriate in this very bill \$35,000,000 for the expenses of the Post-Office Department for a single year. In other words, for the next fiscal year the postal service of the country is to cost a total of \$10,000,000 more than all our postal expenses during the first fifty years of the life of the Republic.

Mr. CANNON, of Illinois. But while we appropriate \$35,000,000 for the postal service do we not expect to get \$30,000,000 back?

Mr. GARFIELD. Certainly.

Mr. SMITH, of Ohio. And do we not now send more mail matter through the mails in a single year than we did during the first fifty years of which the gentleman speaks?

Mr. GARFIELD. There is no doubt of that, and very much more. But I wish to call attention to still another fact. Two years ago for the first time in the history of the Government we departed from the time-honored doctrine that it was the business of the Post-Office Department to transmit intelligence for the information and improvement of the people. I affirm that our fathers, in establishing the Post-Office Department, had in view a sort of educational purpose, the diffusion of information among the people; not the carrying on of any ordinary commercial business.

Mr. SCHUMAKER, of New York. Would the gentleman object to carrying Webster's Dictionary in the mails?

Mr. GARFIELD. Certainly not; for books are one of the mediums of intelligence. Letters, newspapers, books, all sorts of printed information are in the line of the original purpose of the post-office. But when you propose to carry on by means of the Post-Office Department a general express business for the benefit of the people, why should you not undertake to plant corn for the people? Is there not a limit somewhere to the extension of the functions of Government? Why should we go further than we have gone in this direction? I think we made a mistake in our departure two years ago from the original business of the Post-Office Department; but if you extend the innovation already made by allowing packages of dead weight of not more than four pounds to pass through the mails there is no reason why you should not include a whole car-load of wheat; there is no reason why you should not send pianos by mail; there is no reason why you should not undertake the entire transportation of merchandise for the people.

Mr. FORT. The Government could afford to do it at \$160 a ton.

Mr. GARFIELD. I say that by such a measure as this we abandon the true policy of the post-office, and we assume under the cover of a postage-stamp jurisdiction of the general business of transportation.

Mr. COBB, of Kansas. Would the gentleman have the mails transported on horseback, as they used to be in Franklin's time?

Mr. GARFIELD. O, no; not at all.

Mr. COBB, of Kansas. Would the gentleman circumscribe the operations of any of the other Departments of the Government to what they were fifty years ago?

Mr. GARFIELD. Certainly not. I would carry out in all its breadth the policy of transmitting intelligence among the people. I would not object to including in the operations of the Post-Office Department the telegraph, if upon due consideration that measure shall seem advisable; for it is in the line of transmitting intelligence. But when you undertake to send through the mails mere dead weight, not intelligence, you transcend the fundamental idea in the establishment of a Post-Office Department.

Mr. FORT. I withdraw the amendment.

Mr. MARSHALL. I renew the amendment by moving to strike out the last word. I seek the floor because I happen to be a member of the Committee on Appropriations and differ from the majority of that committee in their opinion of this question. I agree with my colleague [Mr. CANNON] who has spoken on this amendment that this adds nothing to the burdens of the Government. It does furnish, however, a great convenience, or will do so to a considerable portion of the people who need it. If it were a proposition to establish an express business generally where we have no lines whatever, I should oppose it as soon as any person on earth; but we have these mail routes and public carriers which are carrying the mails of the country for the people. There are many portions of the country, as has been well said by my colleague and others, which have not the convenience of express offices or express companies, and this provision would not impose any additional burden upon the Government whatever; for it has not been shown and it cannot be done that the cost of carrying these packages will be greater to the Government than the revenues derived from so doing. While it imposes no additional burden upon the Government it affords a great convenience to the people throughout the country. I see, therefore, no reason why we should non-concur in the action of the Senate. In my judgment the House should concur in the amendments of the Senate and furnish this additional convenience to the people. It is not and cannot be shown it will add one cent to the cost of carrying the mails. Indeed my friend here says it is an item of economy and we will derive additional revenue from it. I believe such will be the result.

As has been already remarked, I cannot see any interest in any person or parties in the country opposing this except it may be the express

companies of the country. It may in a slight degree come in competition with their business, but only in a slight degree. I do not think it departs from the ordinary business of the country in carrying the mails; and I do not think we ought to vote it down when the other legislative branch of the Government has placed it on this bill, and it is now before the House for action. I shall vote to concur in the action of the Senate and against the recommendation of my colleagues on the Committee on Appropriations.

Mr. COBURN. Mr. Speaker, I rise to oppose the amendment. I have been all along in favor of the greatest freedom in the transmission of mail matter. If I had the power I would make the transmission of mail matter entirely free. There is no reason why the Post-Office Department should support itself any more than the Army or Navy, or any more than the free schools. The object of the Post-Office Department, as the chairman of the Committee on Appropriations [Mr. GARFIELD] has well said, is to transmit and diffuse intelligence throughout the country. That is understood to be its object, and that fact ought not to be forgotten. I will vote, therefore, to reduce newspaper postage and letter postage at every opportunity. The benefits of the Post-Office Department should have the widest possible range. But this matter now before the House is as wide as the world from any question of that kind. As long as we pay postage on anything, I am in favor of allowing postage on packages of this kind and in favor of carrying them. It is a matter of great convenience to all people remote from express offices, and while we do pretend to demand pay for anything why not take pay for packages of this kind? When the Government ceases to demand pay for any kind of mail matter it will be time to leave it off these packages, and not till then. Until that time arrives let us carry these packages and charge something on them, and let the people have the benefit of this Government express if they have a mind so to call it. Ours is a widely extended country, and there are some places too far separated from express offices to justify opposition to this measure. In many places the express offices are a considerable monopoly. The common people at remote distances will be largely benefited by this, and while we charge for any mail matter we ought to allow these packages to be increased to four pounds. I would not make the weight to be carried greater; but I believe there is no danger of carrying elephants or pianos, or any of those great weights which some dread. The fact is at the rate fixed in the bill no one can afford to pay to carry large or heavy articles. It is to be presumed subsequent Congresses will act rationally on this matter as an express, and I have no fear of launching into a dangerous experiment by allowing four pounds weight to be carried through the mails.

Mr. MARSHALL withdrew his *pro forma* amendment.

The question recurred on the amendment of the Senate.

The House divided; and there were—ayes 96, noes not counted.

So the amendment was concurred in.

The twelfth amendment of the Senate:

SEC. 9. That the Postmaster-General may prescribe, by regulation, an affidavit in form, to be taken by each publisher of any newspaper or periodical publication sent through the mails under the provisions of this act, or news agent who distributes any of such newspapers or periodical publications under the provisions of this act, or employee of such publisher or news agent, stating that he will not send, or knowingly permit to be sent, through the mails any copy or copies of such newspaper or periodical publications except to regular subscribers thereto, or news agents, without prepayment of the postage thereon at the rate of one cent for each two ounces or fractional part thereof; and if such publisher or news agent, or employee of such publisher or news agent, when required by the Postmaster-General or any special agent of the Post-Office Department to make such affidavit, shall refuse so to do, he shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not exceeding \$1,000 for each refusal; and if any person shall knowingly and willfully mail any matter without the payment of postage as provided by this act, or procure the same to be done; or if any postmaster or post-office official shall knowingly permit any matter to be mailed without the prepayment of postage as provided in this act, and in violation of the provisions of the same, he or they shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than \$100 nor more than \$1,000, or imprisoned not exceeding three years, one or both, in the discretion of the court.

The SPEAKER *pro tempore*. The committee recommend concurrence.

Mr. HAWLEY, of Connecticut. I am not willing to vote for concurrence as this stands without some limitation.

I wish to call the attention of the committee to this point, that it may be corrected by the committee of conference. The amendment of the Senate provides—

That the Postmaster-General may prescribe, by regulation, an affidavit in form, to be taken by each publisher of any newspaper or periodical publication sent through the mails under the provisions of this act, or news agent who distributes any of such newspapers or periodical publications under the provisions of this act, or employee of such publisher or news agent, stating that he will not send, or knowingly permit to be sent, through the mails any copy or copies of such newspaper or periodical publications except to regular subscribers thereto, or news agents, without prepayment of the postage thereon at the rate of one cent for each two ounces or fractional part thereof; and if such publisher or news agent, or employee of such publisher or news agent, when required by the Postmaster-General or any special agent of the Post-Office Department to make such affidavit, shall refuse so to do—

That is to say, shall refuse to take an oath in advance that he will never mail such matter contrary to law—shall refuse to take an oath that he will not some time or other be a criminal for such refusal—

he shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not exceeding \$1,000 for each refusal.

Is that the way to get at it? The motive is to prevent publishers and their employes from putting matter into the mail contrary to

law. That is what the framers of this amendment are thinking of. They are thinking of the great piles of papers that go from the larger newspaper offices by the cart-load to be mailed, and desire to prevent the employes, the people in the newspaper office, from throwing into the general pile transient papers addressed to persons not regular subscribers. Now there might be a few boys, three or four boys in the office, who might be disposed to put in such a bundle a paper addressed to some friend without a one-cent stamp on it, which would go to be weighed with the rest. Now under this amendment they desire to have an oath administered to the publisher and to all the employes that they will not put a single paper in illegally. If they decline to do it, and refuse to swear that they will not commit a crime, they are to be fined \$1,000. The amendment goes on to provide:

And if any person shall knowingly and willfully mail any matter without the payment of postage as provided by this act—

That is to say, if a person puts a paper into the office not prepaid and if he knows anything about it, he knows it will not go unless prepaid—yet if he mails that paper, why then he may be fined \$1,000 and be imprisoned for three years in the penitentiary. That I think certainly requires revision. But the words "as provided in this act and any violation of the provisions of the same," show that it was not this section alone that they were thinking of when they used this expression, but the section also providing for this express business and the sending all sorts of matter up to four pounds and the various other sections here.

Any violation of any of these provisions by any person subjects him it may be to \$1,000 fine and three years' imprisonment, one or both. It strikes me that this punishing of men for not swearing that they will not commit a crime, and this extravagant punishment for a stupid or ignorant violation of a law that nobody now understands here entirely is something that is rather unusual and needs revision.

I wish that we may reach the object and prevent a violation of the law if we can. I would not object to some regulation which would prevent newspaper publishers from putting transient papers in the mails. If any newspaper office deliberately violates the law in this respect, I would not object to the Postmaster-General having the discretion to say "You shall not send your papers through the mail at all; we will stop them if you do not obey the law." But I do not like this provision as it stands now.

Mr. TYNER. The gentleman from Iowa [Mr. KASSON] desires to offer an amendment, and I yield to him for that purpose.

Mr. KASSON. And the gentleman can then answer both the gentleman from Connecticut and myself. I wish to suggest some amendments to lines 18, 19, and 22 which seem to me necessary to make the thing legally accurate. The amendment reads thus:

If any person shall knowingly or willfully mail any matter without the payment of postage as provided by this act.

And in line 22 it is provided:

If any postmaster or post official shall knowingly permit any matter to be mailed without the prepayment of postage, &c.

It seems to me that the word "such" should be inserted as in all like cases, so that it may be limited to the persons referred to in section 9. My proposition is to make it read:

If any such person shall knowingly or willfully mail any matter without the payment of postage as provided by this act.

The early part of the section provides duties for publishers and their employes only, not the general public. I suppose the gentleman from Indiana will not object to this amendment.

Mr. TYNER. I think that is right.

Mr. KASSON. Then I also ask attention to the propriety of inserting in line 21, after the word "done," the words "and without intent of avoiding prepayment of the postage due thereon." I thought at first that these words might not be required, but on reflection I think they are necessary.

Mr. TYNER. I have no objection to that; and I think these amendments will very nearly meet the objection of the gentleman from Connecticut, [Mr. HAWLEY.] But the gentleman from Connecticut is not aware that the law as it now exists, and as it has existed for many years, requires that the publishers of newspapers shall when called upon make affidavit concerning the papers that they send out to actual subscribers. That law—I shall not take time in reading the whole of it—contains these words:

And if any such newspaper or other periodical shall be thus unlawfully sent with the knowledge or consent of such proprietor, or his agent, clerk, or servant in charge of such business, or if such affidavit shall when required by the Postmaster-General or any special agent of the Post-Office Department be refused, the person guilty of the offense or refusing to make the affidavit shall forfeit and pay fifty dollars in each case.

That is the same principle, but the amount of penalty is different. Mr. HAWLEY, of Connecticut. That is not an affidavit as to future conduct.

Mr. TYNER. The gentleman will see that under the present law, which provides for the collection of newspaper postage at the office of delivery instead of at the office of mailing, there is no necessity for requiring the affidavit that will be required when prepayment is demanded at the office of mailing.

Mr. HAWLEY, of Connecticut. The gentleman is more familiar with the statutes than I am in relation to postal matters, and I de-

sire to ask him if there is any provision on the statute-book requiring a publisher or his agent to make affidavit in advance that he will not violate the law?

Mr. TYNER. No, there is not. And for that reason I suggested that the publisher himself is not responsible for the postage that accrues upon his newspapers. But when under this law he becomes responsible he should be made to take an affidavit, in the first instance, that he will not knowingly commit a fraud.

Mr. HAWLEY, of Connecticut. My objection to this amendment of the Senate is that it is a provision requiring the publisher of a newspaper and all his employes to take an oath that they never will violate the law, and if the publisher declines to take that oath, then he is to be punished by a fine of \$1,000 and imprisonment. I think that is a very extraordinary provision.

Mr. TYNER. My proposition is this: That if a publisher avails himself of the use of the mails to send out his newspapers he shall be compelled to comply with the terms of the law, and if he cannot do it he should be excluded from the use of the mails.

Mr. CANNON, of Illinois. The gentleman from Connecticut is in error. There is already a section in the postal code which substantially requires an affidavit like this. The only change proposed is to make the affidavit meet the proposed change in the law. I have the law before me, and from it it appears that the publisher has to take that affidavit now.

Mr. HARRIS, of Virginia. I desire to say a word upon this question. I hope the House will non-concur in the amendment. This oath required of publishers and their agents cannot be taken by any honest man with the expectation that it shall be literally fulfilled. It proposes that a man shall not only swear in advance that he will mail no matter that is not prepaid as the law requires that it shall be prepaid, but it makes him swear that he will mail no matter that is not fully prepaid. If he mails a paper, for instance, which is a fraction over two ounces, and fails to put on the right postage, he becomes liable to the extraordinary penalties provided in this act. Sir, there is no member of this House who can tell with certainty when he mails a newspaper what its exact weight is, and yet if the publisher puts into the post-office a newspaper without paying sufficient postage thereon, he is to be held liable to these penalties.

Mr. TYNER. When the gentleman from Virginia became a member of this House, he took an oath that he would not violate the Constitution of the United States. That oath referred to his future conduct. Why, then, is it wrong to require a newspaper publisher to swear that he will not violate the law?

Mr. HARRIS, of Virginia. Another objection to this section is that the punishment provided is entirely disproportionate to the offense. This bill provides that if any publisher shall mail any matter without the postage thereon being paid in full, he shall be fined as much as \$1,000, and imprisoned for three years in the penitentiary. Even admitting that the man were guilty of the offense, I say that it is barbarous, cruel, and against the spirit of the age to put a man in the penitentiary for three years for mailing a newspaper without the proper postage on it. Even if he does it willfully, he knows that his paper will not go, and therefore he can have no intent to defraud the Government. And if he put it in without intent to defraud, he ought not to be fined and imprisoned to this extent. I hope the amendment offered by my friend from Iowa, [Mr. KASSON,] which was offered with my concurrence, will be adopted.

Mr. G. F. HOAR. I desire to move an amendment which I think will meet the objections made to this section.

The SPEAKER *pro tempore*. There is an amendment offered by the gentleman from Iowa [Mr. KASSON] pending.

Mr. KASSON. I understand that that amendment was accepted by the gentleman having charge of the bill.

Mr. TYNER. I have no right to accept an amendment; but I have no objection to that amendment.

The question was taken on Mr. KASSON's amendment; and it was agreed to.

Mr. G. F. HOAR. I move to amend the amendment of the Senate by inserting after the word "do," in line 16, the words:

And shall thereafter, without having taken such affidavit, deposit any newspaper in the mail for transmission.

It seems to me that although this section is perhaps not very important in its practical effect, it is in principle. It is open to the grave and serious objection that it requires a citizen to take an oath as to his future conduct.

The principle upon which this section of the postal code is based is this: the publisher of a newspaper is permitted to address his papers to his subscribers through the mails, and therefore he ought when availing himself of the privilege to be required to take oath that he will not attempt to defraud the Government. But as this section now stands the newspaper publisher may be required to make this affidavit even when he never has used and never wants to use the mails at all for the transmission of his newspapers. This provision requires every person to take this affidavit who may publish a newspaper, and on failure to do so to be liable to a penalty. My proposition is that if he fail to take the oath, and afterward undertakes to avail himself of the use of the mails for his papers, he shall be liable to the penalty.

Mr. TYNER. I do not know that I object to that amendment. The amendment to the Senate amendment was agreed to.

Mr. ELLIS H. ROBERTS. This section seems to be a dangerous one at the best. It gives to the Postmaster General certain powers. I presume it is not proposed to require this affidavit in all cases, but only where fraud is feared. I therefore move to amend by inserting after the words "Postmaster-General" the words "when in his judgment it shall be necessary;" so that if the Postmaster-General shall fear fraud in any particular case he may require such an affidavit.

The amendment to the Senate amendment was agreed to.

Mr. KASSON. I ask my friend from Indiana [Mr. TYNER] whether it is wise to leave the minimum of punishment as printed in this bill. The bill provides "not less than \$100 nor more than \$1,000." Is it not better to have it read "not more than \$1,000?"

Mr. TYNER. I care nothing about that; I am indifferent to the matter.

Mr. KASSON. Then I move to strike out the words "less than \$100 nor;" so that it will read "not more than \$1,000."

The amendment to the Senate amendment was agreed to.

Mr. KASSON. I have one more amendment which I will suggest, but will not press against the views of the committee. It seems to me that three years' imprisonment is a very remarkable punishment for omitting to pay one cent postage on a newspaper. I suggest one year as the maximum instead of three years.

Mr. TYNER. The publishers ought not to complain, for if the punishment is extraordinarily severe, there will be no conviction under the law.

The amendment to the Senate amendment was agreed to; and the Senate amendment as amended was then adopted.

The next amendment of the Senate was to add to the bill the following:

SEC. 10. That so much of this act as changes the rate of postage on newspapers and periodical publications shall not take effect until the 1st day of January next.

The Committee on Appropriations recommend non-concurrence.

Mr. ELLIS H. ROBERTS. I trust this amendment will be concurred in. If there is to be change in the law as regards the rate of postage on newspapers we at least should have notice until January next.

Mr. GARFIELD. The committee thought there ought to be notice, but notice of more than is provided in this section. That is the reason they recommend non-concurrence in the amendment.

Mr. ELLIS H. ROBERTS. With that understanding I will not object to non-concurring in the amendment.

The amendment of the Senate was non-concurred in.

The fourteenth amendment of the Senate was to add to the bill the following:

SEC. 11. That the sixty-third, eightieth, eighty-first, eighty-second, eighty-third, eighty-fourth, and eighty-sixth sections of the said "Act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, be amended to read as follows:

SEC. 63. That the postmasters, except the postmaster at New York City, whose annual salary is hereby fixed at \$3,000, shall be divided into four classes, as follows: The first class shall embrace all those whose annual salaries are not more than \$4,000 nor less than \$3,000; the second class shall embrace all those whose annual salaries are less than \$3,000 but not less than \$2,000; the third class shall embrace all those whose annual salaries are less than \$2,000 but not less than \$1,000; the fourth class shall embrace all postmasters whose annual compensation, exclusive of their commissions on the money-order business of their offices, amounts to less than \$1,000.

SEC. 60. That the postmaster at New York City and postmasters of the first, second, and third classes shall be appointed and may be removed by the President, by and with the advice and consent of the Senate, and shall hold their offices for four years, unless sooner removed or suspended according to law; and postmasters of the fourth class shall be appointed and may be removed by the Postmaster-General, by whom all appointments and removals shall be notified to the Auditor for the Post-Office Department.

SEC. 61. That the compensation of the postmaster at New York City shall be \$3,000 per annum, and the respective compensations of postmasters of the first, second, and third classes shall be annual salaries, assigned in even hundreds of dollars, and payable in quarterly payments, to be ascertained and fixed, by the Postmaster-General, from their respective quarterly returns to the Auditor for the Post-Office Department, or copies or duplicates thereof, for four quarters immediately preceding the adjustment or re-adjustment, by adding to the whole amount of box rents, not exceeding \$2,000 per annum, commissions also not to exceed \$2,000 per annum on the other postal revenues of the office, at the following rates, namely: On the first \$100 per quarter 50 per cent.; on all over \$100 and not over \$400 per quarter, 40 per cent.; on all over \$400 and not over \$2,400 per quarter, 30 per cent.; and on all over \$2,400 per quarter, 10 per cent. And in order to ascertain the amount of the postal receipts of each office, the Postmaster-General may require postmasters to furnish duplicates of their quarterly returns to the Auditor at such times and for such periods as he may deem necessary in each case: *Provided*, That whenever, by reason of the extension of free delivery of letters, the box rents of any post-office are decreased, the Postmaster-General may allow, out of the receipts of such office, a sum sufficient to maintain the salary thereof at the amount at which it had been fixed before the decrease in box rents.

SEC. 62. That the compensation of postmasters of the fourth class shall be the box rents collected at their offices and commissions on other postal revenues of their offices at the rate of 50 per cent. on the first \$100 or less per quarter; 40 per cent. on the next \$300 or less per quarter; 30 per cent. on the excess above \$400 per quarter; the same to be ascertained and allowed by the Auditor in the settlement of the quarterly accounts of such postmasters: *Provided*, That when the aggregate annual compensation, exclusive of commissions on money-order business, of any postmaster of this class shall amount to \$1,000, the Auditor shall report such fact to the Postmaster-General, in order that such postmaster may be assigned to his proper class, and his salary fixed as heretofore provided.

SEC. 63. That the salaries of postmasters of the first, second, and third classes, except that of the postmaster at New York City, shall be readjusted by the Postmaster-General once in two years, and in special cases as much oftener as he may deem expedient.

SEC. 64. That the Postmaster-General shall make all orders assigning or changing the salaries of postmasters in writing, and record them in his journal, and notify the change to the Auditor; and any change made in such salaries shall not take effect until the first day of the quarter next following such order: *Provided*, That

in cases of not less than 50 per cent. increase or decrease in the business of any post-office, the Postmaster-General may adjust the salary of the postmaster at such office, to take effect from the first day of the quarter or period the returns for which form the basis of readjustment.

SEC. 86. That the Postmaster-General may designate offices at the intersection of mail routes as distributing or separating offices; and where any such office is of the third or fourth class he may make a reasonable allowance to the postmaster for the necessary cost of clerical services arising from such duties.

The Committee on Appropriations recommend non-concurrence.

Mr. LAWRENCE. I would like to inquire of the gentleman who has charge of this bill [Mr. TYNER] whether this amendment of the Senate will increase or decrease the salaries of postmasters? It was said by my colleague and friend from Ohio [Mr. GARFIELD] that the Post-Office Department ought to be self-sustaining. Now everybody knows that the Post-Office Department has ceased to be self-sustaining, mainly because the expenses have been very largely and very unnecessarily increased. The salaries of postmasters, except in the small offices, have been so largely increased that in most of our towns and villages of ordinary size their pay is much larger than the compensation given by private employers for services of a like character or value. And the pay for transporting the mails has been again and again increased until, notwithstanding the franking privilege has been abolished, expenses have gone on increasing so that the public has lost the whole benefit resulting from that fact, and the Post-Office Department is an annual charge upon the Treasury of the United States.

I think it is time we should begin to legislate in the interest of economy, and somewhat in the direction of a reduction of expenses. If we do not we may as well understand that this great upheaval of public sentiment among the people, sometimes called the "grange movement," will overtake gentlemen, and they will learn when too late that the republican party ought to do what they have not done as well as they might; that is, cut down expenses. The republican party has undoubtedly practiced an economy in public expenses which no other party has ever done or will do; but still there is room for improvement. Gentlemen on this floor may as well understand that retrenchment is demanded, and justly demanded, by the enlightened public judgment and by justice.

Mr. MAYNARD. I have taken but little part in this debate. But I desire to say that if my excellent friend from Ohio [Mr. LAWRENCE] or any other gentleman in this House ever supposed that abolishing the franking privilege was going to reduce the expenses or increase the revenues of the Post-Office Department he was more verdant, if I may be allowed to use that expression, than I supposed him to be.

But I rise now principally for the purpose of entering, for I do not know how many times, a protest against the doctrine that the Post-Office Department should be self-sustaining. We can make the Post-Office Department self-sustaining if that is a desirable object in and of itself. In the first place, we can make our rates of postage sufficiently high; in the second place, we can pay our mail contractors little or nothing; and more especially and in the last place, we can refuse to put the mail service on any route when the business of the route will not pay for carrying the mails. Then your Post-Office Department will be self-sustaining. Restrict mail transportation to the more populous business portions of the country where you have express, where private corporations would carry the mails, but never go out into the prairies of the West, never go out into the mountains, never go out upon the frontiers with your mails, because if you do, your operations will be much more costly than in the more densely settled portions of the country.

We hear every session this talk about making the Post-Office Department self-sustaining, as though there were some virtue in that idea. Sir, I oppose making the Post-Office Department self-sustaining. It means the denial of postal facilities to those who have gone out upon the frontier to open up the wilderness; it means the denial of postal facilities to settlers in all sparsely populated parts of the country. It means the maintenance of mail facilities between New York and Philadelphia, between Baltimore and Chicago, and between others of our principal business cities. But when you get away from these points, if you carry out the idea of making the post-office self-sustaining, your mails will be monthly, perhaps bi-monthly.

I am in favor of affording facilities to our people for intercommunication of intelligence, for the circulation of newspapers, periodicals, and other forms of literature, even though the mail-carrier may go with scarcely a handful of matter. It is in this way that we diffuse intelligence to the borders of the land; it is in this way that we build up our civilization; not by your miserable, pitiful cry of "making your post-office self-sustaining."

[Here he hammered fell.]

Mr. TYNER. I move to amend by striking out the last word, for the purpose merely of saying to the gentleman from Ohio [Mr. LAWRENCE] that in the amendments we are now considering there is no proposition to increase the salaries of the postmasters. The Committee on Appropriations has recommended non-concurrence only because there are in these amendments certain details that ought to be further examined.

Mr. HOLMAN. I wish to say that the views expressed by the gentleman from Tennessee [Mr. MAYNARD] are such as would be very generally approved if the deficiency in the revenue of the Post-Office Department resulted from extending postal facilities to the sparsely-

settled sections of the country. But all that can be done without having any deficiency. The deficiency in the revenues of that Department results from the large increase that has been made in the allowances to the great railroad corporations of the country, the increase during the last few years having been at the rate of more than 50 per cent., and upon such roads as the Erie Railroad of New York the increase within the last eighteen months has been over 100 per cent. It is by the controlling power exercised by these corporations over your Post-Office Department, increasing year after year the charges for transporting your mails, that this heavy deficit is produced.

Mr. COBB, of Kansas. I want to call attention to the fact that section 32 will necessarily diminish the pay of every little postmaster throughout the land. It seems to me the House ought to insist that the percentage on the first \$100 or any fraction thereof should be 60 per cent. instead of 50.

The amendment of the Senate was non-concurred in.

The fifteenth amendment was read, as follows:

Insert the following:

SEC. 12. That section 240 of said act shall read as follows:

SEC. 240. That when the amount or mail-matter to be carried on any mail-route is so great as to seriously retard the progress or endanger the security of the letter-mail, or to increase the cost of carriage of the mail, the Postmaster-General shall provide for the separate carriage of the letter mail at the usual rate of speed; and when the cost of transmitting other mail-matter than the letter-mail is increased by being carried in postal cars, it shall be carried in other cars, but with due regard to expedition. And postal cars shall not be put on any routes, or the number be increased, except when the service of carrying the letter mail requires it.

The Committee on Appropriations recommended non-concurrence.

Mr. KASSON. I move to amend the amendment of the Senate by adding the following:

Provided, That no postmaster in any town or city having according to the last census a population less than fifty thousand in number, shall receive a higher compensation per annum than \$3,000.

I have but a single word to say on this proposition. Early in this session I obtained from the Post-Office Department a statement of the effect which a measure of this kind would have upon the deficiency of the Department. I have only to say—

Mr. COBB, of Kansas. Mr. Speaker, I do not wish to lose my right to make a point of order on this amendment.

Mr. KASSON. I submit that the point is made too late. I had commenced to debate the amendment.

The SPEAKER *pro tempore*. In the opinion of the Chair the point is made too late.

Mr. KASSON. I have found upon inquiry at the Post-Office Department that such an amendment as this would save several hundred thousand dollars annually.

Touching the merits of the amendment I wish to say that in most States of this Union, especially the agricultural States, there is no officer of the State government who is paid so high as the postmasters are paid in many of the towns of those States. The governor of Indiana does not receive as much salary as several postmasters in that State. In Ohio, Indiana, Illinois, and Iowa the secretary of state, the State auditor, the State treasurer, with a responsibility of from half a million to two or three million dollars, do not receive as much compensation as do your postmasters in many of the towns.

The question is one of justice. You do not pay the judges of your supreme courts in the agricultural States of this Union \$4,000 a year; you do not pay your governors or other State officers that amount of salary; you do not even pay them \$3,000. I say therefore that the postmaster of a single office, with limited responsibility, is in some cases paid by the General Government 50 per cent. higher than is received by State officers performing duties of the greatest responsibility.

In the interest of economy we should consider the question whether we are just in paying these high salaries to some postmasters while the great mass of postmasters throughout the country receive such small salaries. If you do not wish to save money, then take what you save this way justly and distribute it among postmasters whose pay is utterly insufficient for the service they do.

Mr. MAYNARD. Let me ask the gentleman a question. Concurring, as I do, in his estimate of the salaries paid, I wish to ask whether he thinks the population of a city or town is the proper criterion; whether the postal business does correspond in every instance with the population; whether the postal business in Chicago is not larger than in Brooklyn, Philadelphia, or in any other city than New York, and whether it is right to take the number of people in a place as the criterion for the compensation of a postmaster?

Mr. KASSON. It is the only criterion we can adopt for fixing the maximum rate.

Mr. KASSON's amendment was rejected.

The Senate amendment was non-concurred in.

The sixteenth amendment of the Senate:

Add the following:

SEC. 13. That section 245, section 246, section 247, section 251, and section 253 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, be amended to read as follows:

SEC. 245. That every proposal for carrying the mail shall be accompanied by the bond of the bidder, with sureties approved by a postmaster, and in cases where the amount of the bond exceeds \$5,000, by a postmaster of the first, second, or third class, in a sum to be designated by the Postmaster-General in the advertisement of each route; to which bond a condition shall be annexed, that if the said bidder shall, within such time after his bid is accepted as the Postmaster-General shall prescribe, enter into a contract with the United States of America, with good and sufficient sureties, to be approved by the Postmaster-General, to perform the service

proposed in his said bid, and, further, that he shall perform the said service according to his contract, then the said obligation to be void, otherwise to be in full force and obligation in law; and in case of failure of any bidder to enter into such contract to perform the service, or, having executed a contract, in case of failure to perform the service, according to his contract, he and his sureties shall be liable for the amount of said bond as liquidated damages, to be recovered in an action of debt on the said bond. No proposal shall be considered unless it shall be accompanied by such bond, and there shall be annexed to said proposal the oath of the bidder, taken before an officer qualified to administer oaths, that he has the ability, pecuniarily, to fulfill his obligations, and that the bid is made in good faith, and with the intention to enter into contract and perform the service in case his bid is accepted.

SEC. 246. That before the bond of a bidder provided for in the aforesaid section is approved, there shall be indorsed thereon the oaths of the sureties therein, taken before an officer qualified to administer oaths, that they are owners of real estate, worth, in the aggregate, a sum double the amount of the said bond, over and above all debts due and owing by them, and all judgments, mortgages, and executions against them, after allowing all exemptions of every character whatever.

SEC. 247. That any postmaster who shall affix his signature to the approval of any bond of a bidder, or to the certificate of sufficiency of sureties in any contract before the said bond or contract is signed by the bidder or contractor and his sureties, or shall knowingly, or without the exercise of due diligence, approve any bond of a bidder with insufficient sureties, or shall knowingly make any false or fraudulent certificate, shall be forthwith dismissed from office, and be thereafter disqualified from holding the office of postmaster, and shall also be deemed guilty of a misdemeanor, and, on conviction thereof, be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding one year, or both.

SEC. 251. That after any regular bidder whose bid has been accepted shall fail to enter into contract for the transportation of the mails according to his proposal, or, having entered into contract, shall fail to commence the performance of the service stipulated in his or their contract as therein provided, the Postmaster-General shall proceed to contract with the next lowest bidder for the same service, who will enter into a contract for the performance thereof unless the Postmaster-General shall consider such bid too high, in which case he shall readvertise such service. And if any bidder whose bid has been accepted, and who has entered into a contract to perform the service according to his proposal, and in pursuance of his contract has entered upon the performance of the service, to the satisfaction of the Postmaster-General, shall subsequently fail or refuse to perform the service according to his contract, the Postmaster-General shall proceed to contract with the next lowest bidder for such service, under the advertisement thereof, (unless the Postmaster-General shall consider such bid too high,) who will enter into contract and give bond, with sureties, to be approved by the Postmaster-General, for the faithful performance thereof, in the same penalty and with the same terms and conditions thereto annexed as were stated and contained in the bond which accompanied his bid; but in case each and every of the next lowest bidders for such service whose respective bids are not considered too high by the Postmaster-General shall refuse to enter into contract and give bond as herein required for the faithful performance of his contract, the Postmaster-General shall immediately advertise for proposals to perform the service on said route. Whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established, or new service required, or when from any other cause there shall not be a contractor legally bound or required to perform such service, the Postmaster-General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding six months, until a letting under advertisement can take place: *Provided*, however, That the Postmaster-General shall not employ temporary service on any route at a higher price than that paid to the contractor who shall have performed the service during the last preceding regular contract term. And in all cases of regular contracts hereafter made, the contract may, in the discretion of the Postmaster-General, be continued in force beyond its express terms for a period not exceeding six months, until a new contract with the same, or other contractors, shall be made by the Postmaster-General.

SEC. 253. That hereafter all bidders upon every mail route for the transportation of the mails upon the same, where the annual compensation for the service on such route at the time exceeds the sum of \$5,000, shall accompany their bids with a certified check or draft, payable to the order of the Postmaster-General, upon some solvent national bank, which check or draft shall not be less than 5 per cent. on the amount of the annual pay on said route at the time such bid is made, and, in case of a new or modified service, not less than 5 per cent. of the amount of the bond of the bidder required to accompany his bid, if the amount of the said bond exceeds \$5,000. In case any bidder, on being awarded any such contract, shall fail to execute the same, with good and sufficient sureties, according to the terms on which such bid was made and accepted, and enter upon the performance of the service to the satisfaction of the Postmaster-General, such bidder shall, in addition to his liability on his bond accompanying his bid, forfeit the amount so deposited to the United States, and the same shall forthwith be paid into the Treasury for the use of the Post-Office Department; but if such contract shall be duly executed and the service entered upon as aforesaid, such draft or check so deposited, and the checks or drafts deposited by all other bidders, on the same route, shall be returned to the respective bidders making such deposits. No proposals for the transportation of the mails where the amount of the bond required to accompany the same shall exceed \$5,000 shall be considered, unless accompanied with the check or draft herein required, together with the bond required by a preceding section: *Provided*, That nothing in this act shall be construed or intended to affect any penalties or forfeitures which have heretofore accrued under the provisions of the sections hereby amended.

Mr. TYNER. I move to non-concur in all the remaining amendments of the Senate.

Mr. HOLMAN. Let that motion be confined to the particular section now pending.

Mr. TYNER. My proposition is to non-concur in the remaining amendments to the bill. The Committee on Appropriations recommended non-concurrence.

Mr. LAWRENCE. Is this motion debatable?

The SPEAKER. The gentleman will proceed with his five minutes.

Mr. LAWRENCE. I do not know what are the remaining amendments of the Senate, but I do not think we should non-concur without having them all read so we may understand them; and while we are on this subject I wish to say a single word in reply to the gentleman from Tennessee, [Mr. MAYNARD.] He discussed one proposition and I discussed another. I do not object to carrying mail facilities just as far as the gentleman from Tennessee. I will go with him as far as any gentleman on this floor to carry mail facilities to every corner of the country, but in doing that I will not incur any unnecessary expense. And if it is a pitiful cry to insist there should be a reduction of the expenditures of the Government in this or any other

Department of the Government, I think the gentleman will find it is a cry to which the people will give their attention. It is high time there should be somebody stand up and speak in behalf of economy while there are so many to stand up and speak in favor of extravagance and unnecessary expenditures.

Mr. BURCHARD. I desire to move an amendment to the last section which provides that public documents may be sent through the mails without prepayment of postage. I think it is a good provision that postage should be paid on delivery.

Mr. HOLMAN. I hope my colleague will limit his motion to suspend the rules and non-concur in the amendment of the Senate now pending.

Mr. TYNER. I adopt that suggestion and move to suspend the rules and non-concur in the pending amendment.

The question recurred on seconding the motion to suspend the rules. The House divided; and there were—ayes 196, noes not counted.

So the motion to suspend the rules was seconded.

The rules were suspended, (two-thirds voting in favor thereof,) and the pending amendment was non-concurred in.

Seventeenth amendment of the Senate.

Add the following:

Sec. 14. That hereafter the requirement that postage shall be prepaid shall not apply to public documents certified to be such by any member of the Senate or of the House of Representatives, or by the President or head of any Executive Department, or other person entitled to the franking privilege when the law was passed abolishing the same; and the postage on no single volume of public document shall exceed the sum of twenty-five cents, and the same, if not prepaid, shall be payable by the person to whom the same may be directed and received; and the words "Public document," written or printed on the envelope containing any public document, and subscribed by the member or other person mailing the same, shall be deemed a sufficient certificate that the same is a public document; and the term public documents shall be deemed to include all publications printed by order of Congress, or either House thereof, or of any Department of the Government. And if any such documents shall not be taken from the post-office to which the same shall be directed within thirty days after being received thereat, the postmaster may sell the same for the amount of the postage due thereon, and shall account to the Post-Office Department for the proceeds thereof: *Provided*, That this section shall apply only to documents ordered to be printed by either House of Congress previous to the passage of this act: *And provided further*, That the CONGRESSIONAL RECORD, or any part thereof, shall be carried through the mails free of postage.

Mr. TYNER. The committee recommend non-concurrence in this amendment.

Mr. BURCHARD. I desire to move to strike out all in this section preceding line 7 and all following the word "thereof" in line 22.

This will leave merely the proposition to which I referred a moment or two ago to stand by itself, that public documents may circulate through the mails without prepayment of postage, the postage being left to be paid on their delivery.

I move to strike out the first six lines, because they may be construed into a restoration of the franking privilege. I also move to strike out so much of the section as limits the provision to documents already printed, and also so much as provides that the CONGRESSIONAL RECORD or any part thereof shall be carried through the mails free of postage. I hope the House will concur in the remainder of the section.

The SPEAKER *pro tempore*, (Mr. WHEELER.) The gentlemen will send his amendment to the Clerk in writing.

Mr. PARKER, of Missouri. Does not a motion to concur take precedence of the amendment of the gentleman from Illinois?

The SPEAKER *pro tempore*. The motion to amend takes precedence.

Mr. MILLS. I desire to offer an amendment.

The SPEAKER *pro tempore*. The amendment of the gentleman from Illinois [Mr. BURCHARD] has been received at the desk, and will be read.

The Clerk read as follows:

Strike out the first six lines of the section, and strike out all after the word "thereof" in line 22.

Mr. MILLS. I offer the following amendment:

In line 8 of the section strike out "twenty-five" and insert "ten;" so it will read:

The postage on no single volume of public document shall exceed the sum of ten cents.

Mr. HAWLEY, of Connecticut. I hope the attention of the House will be given to this section. There can be no doubt that it is to a very considerable extent a restoration of the franking privilege. As such I object to it, and I desire a distinct vote taken upon the question, and if possible by yeas and nays.

Now, I am not going to join in any common cant or slang about the franking privilege. It was abused no doubt to some extent. Still it had its uses. It certainly had its benefits at a time when our facilities for the distribution of information were not so good as they are at present. It was then valuable to the people, and valuable to our public institutions, if not abused. But the public sentiment of the country was upon the whole against it. The tendency of public sentiment has been in the direction of paying for everything we send through the mails. The public adopted that idea and we legislated in that direction a year ago. We have professed to abolish the franking privilege. We have professed a sincere desire to make the experiment of no free matter. I wish to adhere to that experiment for one or two or three or four years until we understand and the country understands its operation. Perhaps by and by public sentiment may

justify some modification of the existing law by which public documents got up at the public expense may be distributed.

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

Mr. HAWLEY, of Connecticut. No, sir. But we are evidently not ready for that yet. Public sentiment is not ready for it. And so I object to any direct or indirect restoration of the franking privilege of any sort or description whatever. I wish to wait one or two or three years longer, and then see what should be done. For the present I am unalterably opposed to that, and I call for the yeas and nays.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the report of the committee of conference on the bill (H. R. No. 1572) to amend the several acts providing a national currency, and to establish free banking, and for other purposes.

POST-OFFICE APPROPRIATION BILL.

The House resumed the consideration of the Senate amendments to the post-office appropriation bill.

Mr. PARKER, of Missouri. With regard to what the gentleman from Connecticut [Mr. HAWLEY] has said, I desire to say that this is no restoration of the franking privilege. This does not permit documents to go through the mails free of postage. The gentleman from Connecticut asserts that the people of this country have petitioned Congress that the franking privilege be repealed. Well, sir, I do not believe that the people of this country ever did any such thing. The Postmaster-General of the United States, after having almost a cord of petitions printed in the Government Printing Office at the Government's expense, sent these petitions out to the different postmasters in the country, who in many cases filled them up with their own hands, as they feared their official heads would be cut off unless they would indorse this humbug, because it is nothing else. They did in some cases get a few people to sign these petitions, but in the majority of cases they signed them themselves with the names of persons taken from the directories of the different towns and cities of the country. They went to the tombstones and to the graveyards in many cases to get the names of men and send them up here to instruct the American Congress upon this question.

Now, sir, if it be true that the people did petition us to repeal this franking privilege, why let them know the full effect of it by paying the postage themselves upon all documents that they may desire. For one member of this Congress, after the people of this country have demanded that our pay shall be so reduced that no man can live conveniently here as a member of Congress upon it, I do not propose to pay any postage upon these documents.

Now this section simply proposes that the people who petitioned for a redress of this grievance shall pay their own postage. Let them do it if they desire the documents.

Mr. FORT. How can the dead men do it?

Mr. PARKER, of Missouri. My friend asks how the dead men can do it. Members of Congress do not send documents to dead men, but the postmasters put the names of dead men upon petitions to Congress asking the repeal of the franking privilege.

Mr. HOLMAN. It is very clear that no man has asked for the restoration of the franking privilege since its abolition; that is very clear.

Mr. TYNER. Mr. Speaker, I am quite willing to let my vote, in the event the yeas and nays shall be called on this amendment, indicate to my constituents what my position is in regard to it. But I do want to say that I am ready to put myself on record in any manner whatever against anything which looks like a restoration of the franking privilege.

Sir, I voted for the repeal of the franking privilege during the last Congress. I have had no report from the Post-Office Department since nor any other information that indicates to me that I ought to change my position in that regard. I believe, sir, that I was as much instructed by my constituents, through their platforms at home, through the expressions of the public press and in every other way, to vote in favor of the repeal of the franking privilege and against its restoration, as I have ever been instructed in regard to any question.

We are now entering upon a political campaign in which some gentlemen of this House are to take a part, and in which they are to be candidates. I warn them that they had better be cautious about voting for anything that looks like a restoration of the franking privilege. I have little more to say and then I desire to yield the remainder of my time to my friend from Ohio, [Mr. GARFIELD;] but I want to say, in addition, that this proposition is to permit the postage on these documents to be collected at the office of delivery. It means that any constituent of any gentleman on this floor shall be privileged to ask him to send him a report, but it is to be at the expense of the constituent, and with the understanding that he himself shall pay the postage. I now yield the remainder of my time to the gentleman from Ohio.

Mr. GARFIELD. I desire to say a single word only upon this amendment, and then I hope the previous question will be sustained and a vote will be taken. There is a proviso at the end of this section that hereafter the CONGRESSIONAL RECORD shall pass through the mails free, and in that there is this a little bit of moral bribery

offered to every member of Congress, that the CONGRESSIONAL RECORD or any part thereof shall pass through the mails free of postage.

Mr. HAWLEY, of Connecticut. The appendices.

Mr. GARFIELD. All you would have to do is to have your speeches printed with a heading "Appendix to the CONGRESSIONAL RECORD," and it becomes a part of the CONGRESSIONAL RECORD, and passes free through the mails. In other words, here is a plan to let all the speeches that members of Congress may make, if they have a simple heading saying something about the CONGRESSIONAL RECORD, go through the mails free hereafter, and if that is not a species of moral bribery, which I believe this House will not have the courage or rather the lack of it to consent to, then I do not know what is bribery. I ask for the previous question, and call for the yeas and nays in concurring in the amendment of the Senate.

The SPEAKER *pro tempore*. The Chair desires to ask the gentleman from Connecticut [Mr. HAWLEY] upon which of these propositions he asks for the yeas and nays. There are two amendments to the amendment of the Senate which have been offered in the House. Does he desire the yeas and nays upon those amendments, or upon concurring in the Senate amendment?

Mr. HOLMAN. I hope the yeas and nays will be called on the question of concurrence in the Senate amendment.

The SPEAKER *pro tempore*. The first amendment pending is that offered by the gentleman from Texas [Mr. MILLS] to strike out in line 8 of the Senate amendment the words "twenty-five" and to insert in lieu thereof the word "ten;" so that it will read, "and the postage on no single volume of public document shall exceed the sum of ten cents, &c."

Mr. MARSHALL. I desire to say a few words on this amendment.

Mr. SHANKS. I have been trying to get the floor myself, and I must object.

Mr. TYNER. The previous question has been asked by my colleague, the chairman of the Committee on Appropriations.

The previous question was seconded and the main question ordered being first upon the amendment offered by Mr. MILLS.

The question was put; and on a division there were, yeas 115, noes not counted.

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

The yeas and nays were ordered, 34 members voting therefor.

The question was taken; and there were—yeas 127, nays 111, not voting 51; as follows:

YEAS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Averill, Barber, Barrere, Begole, Bell, Berry, Bland, Bowen, Bright, Brown, Buckner, Bundy, Burchard, Burleigh, Benjamin F. Butler, Roderick R. Butler, Caldwell, Cannon, Carson, John B. Clark, Jr., Freeman Clarke, Clymer, Stephen A. Cobb, Coburn, Corwin, Creamer, Crittenden, Crutcher, Davis, Dobbins, Dunnell, Durham, Field, Fort, Giddings, Glover, Gunter, Hagans, Hamilton, Hancock, Henry R. Harris, Harrison, Hatcher, Havens, Hays, John W. Hazelton, Hendee, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hunt, Hurlbut, Hyde, Hynes, Jewett, Killinger, Lansing, Lawrence, Leach, Loftand, Lowe, Magee, Marshall, Martin, Maynard, McKee, Mills, Moore, Morey, Negley, Niblack, O'Brien, Orr, Orth, Page, Isaac C. Parker, Pelham, Pike, James H. Platt, Jr., Thomas C. Platt, Randall, Rapier, Read, Richmond, Robbins, Sawyer, Henry J. Scudder, Sener, Sessions, Shanks, Sheats, Sherwood, Speer, Standford, Strait, Swann, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tremain, Vance, Wallace, White, Whitehead, Whitehouse, Charles G. Williams, William Williams, Ephraim K. Wilson, James Wilson, Wolfe, John D. Young, and Pierce M. B. Young—137.

NAYS—Messrs. Albright, Barum, Biery, Bradley, Bromberg, Buffinton, Burrows, Cain, Cessna, Amos Clark, Jr., Clements, Coming, Conger, Cook, Cotton, Cox, Crooke, Crossland, Crouse, Danford, Darrall, Dawes, Donnan, Duell, Eames, Foster, Frye, Garfield, Gooch, Gunkel, Eugene Hale, Benjamin W. Harris, John T. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, Holman, Kasson, Kelley, Kellogg, Knapp, Lamson, Lawson, Loughridge, Lowndes, Lynch, James W. McMill, MacDougall, McJunkin, Merriam, Milliken, Monroe, Morrison, Neal, Niles, O'Neill, Packard, Packer, Hosea W. Parker, Parsons, Pendleton, Perry, Pierce, Poland, Potter, Pratt, Rainey, Ransier, Ray, Rice, Ellis H. Roberts, James C. Robinson, James W. Robinson, Ross, Henry B. Saylor, Milton Saylor, John G. Schumaker, Seefeld, Isaac W. Scudder, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Southard, Sprague, Stanard, Starkweather, St. John, Stone, Storm, Stowell, Tyner, Waldron, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, Whitthorne, Wilber, Charles W. Willard, George Willard, John M. S. Williams, William B. Williams, Wood, Woodford, and Woodworth—111.

NOT VOTING—Messrs. Banning, Barry, Bass, Beck, Blount, Clayton, Clinton L. Cobb, Crocker, Curtis, DeWitt, Eden, Eldredge, Elliott, Farwell, Freeman, Robert S. Hale, Harner, Hersey, Hooper, Kendall, Lamar, Lampert, Lewis, Luttrell, McCrary, Alexander S. McMill, McLean, McNulta, Mitchell, Myers, Nesmith, Nunn, Phelps, Phillips, Putnam, William R. Roberts, Rusk, Sheldon, Lazarus D. Shoemaker, Sloan, Sloss, J. Ambler Smith, William A. Smith, Stephens, Strawbridge, Sypher, Taylor, Waddell, Whiteley, Willie, and Jeremiah M. Wilson—51.

So the amendment of Mr. MILLS was agreed to.

The question recurred upon the motion of Mr. BURCHARD to strike out of the amendment of the Senate the following at the beginning of the section:

That hereafter the requirement that postage shall be prepaid shall not apply to public documents certified to be such by any member of the Senate or of the House of Representatives, or by the President or head of any Executive Department, or other person entitled to the franking privilege when the law was passed abolishing the same; and.

Also to strike out the following at the end of the section:

Provided, That this section shall apply only to documents ordered to be printed by either House of Congress previous to the passage of this act: And provided further, That the CONGRESSIONAL RECORD, or any part thereof, shall be carried through the mails free of postage.

The question was taken upon the amendment of Mr. BURCHARD; and upon a division there were—yeas 75, noes 15; no quorum voting.

Tellers were ordered; and Mr. BURCHARD and Mr. SPEER were appointed.

Mr. SPEER. I desire to make a parliamentary inquiry. Is this amendment divisible?

The SPEAKER *pro tempore*. It is not.

Mr. SPEER. Is it in order to move to amend the amendment?

The SPEAKER *pro tempore*. It is not; for the previous question is operating.

The House again divided; and the tellers reported that there were yeas 83, noes not counted.

Mr. SPEER. I think the House has been voting under a misapprehension of the question, and I therefore call for the yeas and nays.

The SPEAKER *pro tempore*. The Chair desires to state that the amendment of the gentleman from Texas [Mr. MILLS] having been offered as an amendment to the one offered by the gentleman from Illinois, [Mr. BURCHARD,] if the amendment of the gentleman from Illinois be voted down the amendment of the gentleman from Texas will fall also.

Mr. G. F. HOAR. The amendment of the gentleman from Texas relates to a portion of the section not affected by that of the gentleman from Illinois.

Mr. BURCHARD. As I understood, the amendment of the gentleman from Texas was submitted as an independent proposition, and so voted on.

The SPEAKER *pro tempore*. The Chair at the time stated distinctly that the amendment of the gentleman from Texas must be germane to the amendment of the gentleman from Illinois.

Mr. MILLS. Does the Chair state that if the amendment of the gentleman from Illinois is voted down my amendment goes down?

The SPEAKER. It does.

Mr. MILLS. Then if the amendment of the gentleman from Illinois is voted up my amendment goes down also.

The SPEAKER. That is a question for the House to determine, not the Chair.

Mr. WOODFORD. Desiring to vote for a part and against a part of this amendment of the gentleman from Illinois, is it not proper to ask that it be divided?

The SPEAKER. It can be divided if it contains distinct substantive propositions.

Mr. CESSNA. There is some confusion about the statement of the Chair in my mind, for he seems to connect the amendment of the gentleman from Texas [Mr. MILLS] with the amendment of the gentleman from Illinois, [Mr. BURCHARD.] Now the amendment of the gentleman from Illinois relates to a part of the section not reached by the amendment of the gentleman from Texas. The amendment of the gentleman from Texas has been adopted, and is now a part of the section. I differ with the Chair with great reluctance; but it seems to me that the amendment of the gentleman from Illinois contains three distinct propositions, and if so I shall ask for a separate vote on each one of them. The first proposition is to strike out the first six lines of the amendment of the Senate as printed. That is a separate, distinct, and substantive proposition of itself. The second proposition is to strike out the first proviso of the section, which is also a separate and independent proposition of itself. The third proposition is to strike out the last proviso of the section, which is also a separate and independent proposition of itself. The three parts of the amendment are not related to each other; they are different in character; and in order that the House may have an opportunity to vote according to its own desire I shall ask the Chair to allow the amendment to be divided into the three parts I have indicated.

Mr. HOSKINS. A single word in regard to the proposition now before the House. The gentleman from Texas [Mr. MILLS] moved an amendment to a certain portion of this section, and his amendment was adopted by the House. I submit that the amendment of the gentleman from Illinois [Mr. BURCHARD] and that proposed by the gentleman from Texas are not germane to each other; they do not apply to the same portion of the section nor to the same subject. It strikes me therefore, with due deference of course to the ruling of the Chair, that they are independent propositions, and that if the amendment of the gentleman from Illinois be voted down it does not necessarily carry with it the amendment of the gentleman from Texas, for the reason that the two amendments do not apply to the same subject-matter or the same part of the section.

The SPEAKER *pro tempore*. The Chair does not hold himself responsible if the House has been misled upon this proposition. He distinctly stated to the gentleman from Texas, and it is so recorded, that his amendment must be germane and must appertain to that of the gentleman from Illinois, [Mr. BURCHARD.] The mistake, if there has been any, was on the part of the House, not of the Chair. In view of the circumstances under which the amendment of the gentleman from Texas was offered, the Chair now states that if the amendment of the gentleman from Illinois be voted down, that of the gentleman from Texas goes down with it. If the House has acted under any misunderstanding that may be corrected; but the Chair is corroborated in his position by the Journal clerk who made the entry.

Before deciding the question whether the amendment of the gentleman from Illinois is divisible, the Chair asks that gentleman to state his amendment, so that it may be understood whether it embraces different substantive propositions.

Mr. BURCHARD. I moved to strike out the first six lines of the

section down to and including the word "and;" so that the section should begin, "The postage on no single volume," &c. I also moved to strike out after the word "thereof" in line 22, the proviso and the further proviso, leaving the body of the section to which the gentleman from Texas had moved his amendment striking out twenty-five and inserting ten.

The SPEAKER *pro tempore*. The Chair holds that this amendment is divisible.

Mr. MILLS. I move to reconsider the vote by which my amendment was adopted, so that the House may extricate itself from this difficulty. Either this must be done, or my amendment must be considered as an independent proposition. The Chair has correctly stated that he put to me the question whether my amendment was germane to that of the gentleman from Illinois. I do not wish the Chair to be placed in a wrong attitude before the House. My amendment relates to the very next sentence after the first part of the amendment of the gentleman from Illinois, and I thought it was germane to that amendment. But I see now that it is not so, and therefore I presume my amendment must be adopted as an independent proposition.

Mr. PARSONS. I rise to a parliamentary inquiry. I wish to know whether the House cannot now vote directly to strike out the first six lines and the last six lines of this section without affecting at all the independent proposition embraced in the middle of the section?

The SPEAKER *pro tempore*. The Chair will entertain the proposition of the gentleman from Texas [Mr. MILLS] to reconsider the vote by which his amendment was adopted.

Mr. BURCHARD. I rise to a point of order. As the order for the previous question was partly executed, I submit that it is not in order to reconsider.

The SPEAKER *pro tempore*. That point of order is well taken. The question will now be taken upon the first proposition of the amendment of the gentleman from Illinois, which is to strike out the first six lines of the section. The clause proposed to be struck out will be read.

The Clerk read as follows:

That hereafter the requirement that postage shall be prepaid shall not apply to public documents certified to be such by any member of the Senate or of the House of Representatives, or by the President or head of any Executive Department, or other person entitled to the franking privilege when the law was passed abolishing the same; and.

The question being taken, there were ayes 45, noes not counted.

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

Mr. CLYMER. I move that the House take a recess till half past seven o'clock.

Mr. GARFIELD. It is necessary that this bill should be sent to a conference committee to-night, if we are to adjourn on the 22d.

The motion of Mr. CLYMER was not agreed to; there being—ayes 72, noes 93.

The question recurring on ordering the yeas and nays upon agreeing to the first division of the amendment of Mr. BURCHARD, the yeas and nays were not ordered.

So the first division of the amendment was not agreed to.

The question then recurred upon the second division of the amendment, which was to strike out the following:

Provided, That this section shall apply only to documents ordered to be printed by either House of Congress previous to the passage of this act.

The question being taken, there were—ayes 100, noes 48.

So the second division of the amendment was agreed to.

The question then recurred on the third division of the amendment, which was to strike out the following:

And provided further, That the CONGRESSIONAL RECORD, or any part thereof, shall be carried through the mails free of postage.

Mr. HAWLEY, of Illinois. The House having refused to strike out the first part of the section, as proposed by the amendment of the gentleman from Illinois, if these words should now be struck out where then would be the amendment of the gentleman from Texas?

Mr. CESSNA. That relates to the middle of the section.

The question being taken; there were—ayes 78, noes 71.

Mr. SPEER called for tellers.

Tellers were ordered; and Mr. SPEER and Mr. BURCHARD were appointed.

The House divided; and the tellers reported—ayes 107, noes 63.

So the third division of the amendment was agreed to.

The SPEAKER *pro tempore*. The Chair will now state that the portion of the amendment of the gentleman from Illinois to which the gentleman from Texas offered his amendment has been adopted; consequently the amendment of the gentleman from Texas has been adopted. But the Chair will rule that the latter was offered as an independent amendment, and the entry in the Journal will be made accordingly.

The question recurring on concurring in the amendment of the Senate, as amended,

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

The yeas and nays were ordered.

Mr. BURCHARD. I ask that the Senate amendment as now amended be read.

The Clerk read as follows:

SEC. 14. That hereafter the requirement that postage shall be prepaid shall not apply to public documents certified to be such by any member of the Senate or of

the House of Representatives, or by the President or head of any Executive Department, or other person entitled to the franking privilege when the law was passed abolishing the same; and the postage on no single volume of public document shall exceed the sum of ten cents, and the same, if not prepaid, shall be payable by the person to whom the same may be directed and received; and the words "public document" written or printed on the envelope containing any public document, and subscribed by the member or other person mailing the same, shall be deemed a sufficient certificate that the same is a public document; and the term public documents shall be deemed to include all publications printed by order of Congress, or either House thereof, or of any Department of the Government. And if any such documents shall not be taken from the post-office to which the same shall be directed within thirty days after being received thereat, the postmaster may sell the same for the amount of the postage due thereon, and shall account to the Post-Office Department for the proceeds thereof.

Mr. PLATT, of Virginia. I move that the House now take a recess. The motion was not agreed to.

The question recurred on concurring in the Senate amendment as amended.

The question was taken; and it was decided in the negative—yeas 113, nays 119, not voting 57; as follows:

YEAS—Messrs. Adams, Albert, Albright, Arthur, Ashe, Barber, Barnum, Barrere, Barry, Beck, Begole, Bell, Berry, Biery, Bowen, Bradley, Bright, Brown, Buckner, Burchard, Burlingame, Benjamin F. Butler, Roderick R. Butler, Cain, Caldwell, Cannon, Cason, John B. Clark, Jr., Freeman Clarke, Clymer, Stephen A. Cobb, Coburn, Comings, Cook, Corwin, Creamer, Crutchfield, Davis, Doubins, Donnan, Dannel, Durham, Field, Giddings, Glover, Gunter, Hagans, Hamilton, Hancock, Henry R. Harris, Hatcher, Hays, Gerry W. Hazelton, John W. Hazelton, Herford, Herndon, George F. Hoar, Hodges, Howe, Hubbell, Hunter, Hutton, Hynes, Killinger, Knapp, Lamar, Lampert, Lansing, Leach, Lowe, Magee, Marshall, Martin, Maynard, McCrary, McKee, McLean, Mills, Moore, Morey, Negley, O'Brien, Orr, Page, Isaac C. Parker, Pelham, James H. Platt, Jr., Thomas C. Platt, Purman, Randall, Ransier, Rapier, Ead. Richmond, Robbins, Rusk, Sheets, Sherwood, Sloan, George L. Smith, Speer, Standiford, Straitt, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Vance, Wallace, White, Whitehead, William Williams, and John D. Young—113.

NAYS—Messrs. Archer, Atkins, Averill, Bass, Bland, Blount, Bromberg, Buffinton, Bundy, Burrows, Cessna, Amos Clark, Jr., Clements, Conger, Cotton, Crittenden, Crooke, Crossland, Crounse, Danford, Darrall, Dawes, Eames, Fort, Foster, Frye, Garfield, Gunkel, Eugene Hale, Benjamin W. Harris, John T. Harris, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, E. Rockwood Hoar, Holman, Hoskins, Hyde, Kasson, Kellogg, Lamson, Lawrence, Lawson, Lotland, Lowndes, Lynch, James W. McDill, MacDougall, McJunkin, McNulta, Merriam, Milliken, Monroe, Morrison, Neal, Niblack, Niles, O'Neill, Orth, Packard, Packer, Hosea W. Parker, Parsons, Pendleton, Perry, Pierce, Pike, Poland, Potter, Pratt, Rainey, Ray, Rice, Ellis H. Roberts, James C. Robinson, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Milton Sayler, John G. Schumaker, Scofield, Isaac W. Scudder, Sessions, Shanks, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Snyder, Southard, Sprague, Stanard, Starkweather, St. John, Stone, Storm, Stowell, Strawbridge, Swann, Tyner, Waldron, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, James Wilson, Woodford, and Woodworth—119.

NOT VOTING—Messrs. Banning, Clayton, Clinton L. Cobb, Cox, Crocker, Curtis, DeWitt, Duell, Eden, Eldredge, Elliott, Farwell, Freeman, Gooch, Robert S. Hale, Harmer, Harrison, Hendee, Hersey, Houghton, Hurlbut, Jewett, Kelley, Kendall, Lewis, Longbridge, Luttrell, Alexander S. McDill, Mitchell, Myers, Nesmith, Nunn, Phelps, Phillips, William R. Roberts, Henry J. Scudder, Sener, Sheldon, Lazarus D. Shoemaker, Sloss, Small, J. Ambler Smith, William A. Smith, Stephens, Sypher, Taylor, Charles E. Thomas, Trenain, Waddell, Whiteley, Willie, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Wood, and Pierce M. B. Young—57.

So the amendment, as amended, was non-concurred in.

Mr. TYNER. I now move there be a committee of conference requested on the disagreeing votes of the two Houses.

The motion was agreed to.

And then, on motion of Mr. GARFIELD, (at five o'clock and fifty minutes p. m.,) the House took a recess until seven and a half o'clock p. m.

EVENING SESSION.

The House reassembled at seven and a half o'clock p. m., the Speaker in the chair.

ENROLLED BILLS SIGNED.

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

An act (S. No. 954) prohibiting the publication of the Revised Statutes of the United States in the newspapers at the expense of the United States; and

An act (S. No. 110) for the relief of the East Tennessee University.

Mr. HARRIS, of Georgia, from the same committee, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 3309) granting to the Nevada County Narrow-gauge Railroad Company a right of way through the public lands for a railroad;

An act (H. R. No. 3332) to fix the time for the election of Representatives in the Forty-fourth Congress from the State of Mississippi;

An act (H. R. No. 3417) to relieve Thomas Claiborne, of Tennessee, of political disabilities imposed upon him by the fourteenth amendment to the Constitution of the United States;

An act (No. 4630) for the government of the District of Columbia, and for other purposes; and

An act (H. R. No. 3748) directing the Secretary of the Treasury to report upon the necessity for a public building at Brooklyn, New York, and the cost of the same.

CHOCTAW CLAIM.

Mr. WARD, of New Jersey, obtained the floor, and yielded ten minutes to

Mr. PARKER, of Missouri, who said: Mr. Speaker, I would not trouble the House at this time if it were not for the fact that in the discussion the other day on what was called the Choctaw claim the gentleman from Indiana, [Mr. COBURN,] unwittingly, of course, fell into a blunder which may justly be considered as putting members of Congress in the position of having voted for a claim for which a receipt in full had already been given. In order that those gentlemen who voted for the bill and in order that those who discussed it and voted against it may not be put in a false position, I desire the facts in connection with this matter may be given to the country so they may be completely understood.

It will be remembered that the gentleman from Indiana had read a receipt which he claimed in his speech was a receipt in full for the payment of this Choctaw claim. Of course if that be the fact then this House was spending valuable time in discussing a claim which had been received for in full and it puts the House in a false position. If it be true that this claim had been satisfied in full and a receipt had been given for it, it also puts a leading committee of this House, the Committee on Appropriations, in a false position.

If it be true that a receipt in full had been given for this claim, it puts the gentleman from Maine, the gentleman from Ohio, my friend from Pennsylvania, [Mr. SPEER,] and in fact all of the gentlemen who discussed this, except the gentleman from Indiana himself, in a singular position, because they all admitted that the claim had merits in it. It could not have any merits in it if a receipt had been given in full for it.

In order that the facts may be known in connection with this matter, I desire to trespass upon the House briefly to show what this receipt means and what it was given for, and that it may be perfectly understood I ask the Clerk to read the receipt as given in the RECORD and that portion of the remarks of the gentleman from Indiana immediately following.

The Clerk read as follows:

[Copy of release referred to in the foregoing letter.]

Whereas by an act of Congress entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1852," it is provided that after the 30th day of June, 1852, all payments of interest on the amounts awarded Choctaw claimants, under the fourteenth article of the treaty of Dancing Rabbit Creek, for lands on which they resided, but which it is impossible to give them, shall cease, and that the Secretary of the Interior be directed to pay said claimants the amount of principal awarded in each case respectively, and that the amount necessary for this purpose be appropriated, not exceeding \$572,000; and that the final payment and satisfaction of said award shall be first ratified and approved as a final release of all claims of such parties under the fourteenth article of said treaty by the proper national authority of the Choctaws, in such form as shall be prescribed by the Secretary of the Interior: Now, be it known, that the said general council of the Choctaw Nation do hereby ratify and approve the final payment and satisfaction of said awards, agreeably to the provisions of the act aforesaid, as a final release of all claims of such parties under the fourteenth article of said treaty.

Mr. COBURN. Under the release I have just read \$850,000 was paid by the Government and accepted by the authorities of the Choctaw Nation as a complete and final settlement. There the matter should rest. If the account has since been opened, if an equity has been raised on behalf of these Indians, if an obligation has since been incurred by the treaty-making power of the United States, that is matter of discussion for lawyers; it is a question that ought to be investigated thoroughly and completely, and should not be brought in here at the end of an appropriation bill to be discussed under the present circumstances.

I regard this matter as of very great importance aside from the amount of money involved. We ought to adopt and stand by a policy against opening claims of such great age unless some equity of a very strong character is presented.

Here, so far as I can see, there is none. The claim seems to be trumped up after settlement in full more than twenty years. It deserves the fullest investigation and the most thorough discussion, such as we cannot give at this time.

Mr. PARKER, of Missouri. It will be observed, Mr. Speaker, that the gentleman asserts in his remarks here that this receipt was given in full, and he uses the expression that if this account is again to be opened there should be some strong equity before it is opened. Why, sir, it never has been closed. The gentleman fell into a most egregious blunder when he presumed that this receipt was given in full for this claim that has been before the House at this session. It will be remembered by the House that after the Senate made its award in 1859 it directed the Secretary of the Interior to make up the account, and in that account is shown just exactly what this receipt was given for.

The whole number of acres of land the Government acquired of these people by purchase was 10,423,195.69 acres. It will be remembered that under the treaty of 28th September, 1830, called the treaty of Dancing Rabbit Creek, a portion of those people desired to remain in their country in Mississippi. The Government by the fourteenth article of that treaty provided that those who desired to remain should have set apart to them a reservation of six hundred and forty acres to the head of each family and so much to each child and member of such family. The amount of these reservations that were set apart under this fourteenth article of the treaty was in the aggregate 334,101.62 acres. It was ascertained when the Government, after having made a survey of this country, came to parcel out these reservations to these people that settlers had gone upon the land, and the Government of the United States was unable to comply with the provisions of the treaty of 1830. The lands were not there to be given to them.

In order to settle the controversy Congress passed a law in 1842 providing for the appointment of commissioners to settle the differences between them. Those commissioners did settle the differences, and the Government by its solemn treaty, subsequently entered into, provided that this people should have, in lieu of the reservations, scrip

valued at \$1.25 per acre and upon which scrip they were to pay interest at the rate of 5 per cent. until the principal was satisfied. Under the terms of the act of June 30, 1852, the Government appropriated \$572,000 to satisfy this scrip which had been given in lieu of the reservations belonging to the Choctaws who chose to remain in the State of Mississippi. This receipt, when the \$570,000 were paid, was given in full satisfaction of the claim for these 322,046.74 acres, or the scrip for it; and that is all that this receipt means and all that it has reference to.

By turning to the fourteenth article of the treaty of 1830, it will be observed that that article, which is referred to in this receipt as being the one out of which the subject-matter of the receipt grew, has no reference to anything in the world except these 334,000 acres of reservations. Article 14 of the treaty provides that—

Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee-simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

It will be observed that when the Secretary of the Interior cast up this amount in 1859 he deducted from the account the three hundred and thirty-four thousand acres for which we had given the scrip, and upon that subsequently paid this \$570,000. This receipt, by its express terms, is a receipt in full only for the value of three hundred and thirty-four thousand acres of land, nothing further. It expresses upon its face that that is what it is.

Now, without being desirous of criticising the gentleman from Indiana, I will say that he either knew about this matter or he did not know. If he did not know about it, then it was certainly, to say the least and to put it in the mildest form possible, unkind for him to seek to put almost one-half of this House in the position before the country and the world of voting to pass here a claim which, if it had been as he asserted, satisfied, it would have been simply an outrage upon the House to undertake to pass. If he did not understand the case, if he fell into this error without understanding it, he is equally culpable as though he had understood it, because upon a matter of this importance and magnitude which may affect the standing of fellow-members of this House, which may put them in a false position before their associates, it is ungenerous for a gentleman of this House to make assertions upon a subject about which he knows nothing. If he does know anything about it, then he does not properly understand and construe the record.

I beg pardon of the House and of the Chair for thus trespassing upon their attention on this matter; but I deemed it due to other gentlemen of this House, as well as to myself, that the country should properly understand what this receipt was, and that the speech of the gentleman, consisting of assertions that this was a fraudulent and trumped-up claim, should not go to the country without the facts being shown to rebut such statements. I thank the House for its attention.

BOUNTIES.

Mr. WARD, of New Jersey. Mr. Speaker, I had the honor to introduce, in the early part of the session, a bill (H. R. No. 1244) granting bounties to the heirs of deceased soldiers. I give notice that I will, on the first opportunity, call up that measure and press it to a vote. I send it to the Clerk's desk that it may be read.

The Clerk read as follows:

A bill granting bounties to heirs of soldiers who enlisted in the service of the United States during the war for the suppression of the rebellion for a less period than one year, and who were killed or have died by reason of such service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the heirs of any soldier who was killed or died while in the military service of the United States, in the line of duty, during the war for the suppression of the rebellion, whose period of enlistment was for less than one year, or who shall have since died by reason of wounds received or disease contracted while in such service, shall be entitled to receive the same bounties as if said soldier had enlisted for three years: *Provided*, That the heirs so entitled shall be such, and only such, as are named and in the order named, and upon the conditions mentioned in the first section of the act of July 11, 1862: *And provided further*, That nothing in this act shall authorize the payment on account of any soldier who has received bounty from the Government of the United States.

Mr. WARD, of New Jersey. The object and purpose of this measure is clearly and concisely stated in the bill. It provides that the heirs of those who were killed or who have died from wounds or disease contracted in the rebellion, whose periods of enlistment were for less than one year, shall be entitled to receive the same bounties as if they had enlisted for three years; and also provides that nothing shall be paid on account of any soldier who has received bounty.

Volunteers in the Army of the United States who served in the recent war, and who enlisted for one year and upward, have very properly received bounties, while those who came forward so promptly and nobly in the beginning of the struggle, have been in this respect wholly neglected. It has always seemed to me manifestly unjust that those who were first to respond to the President's proclamation calling upon the militia of the several States to aid in maintaining

"the honor, the integrity, and the existence of our National Union," should be treated with less consideration by the General Government than those who subsequently enlisted.

The bill under consideration does not propose to give bounties to those who *survive*, though it would be only equal justice that they should receive them, but it proposes that where any one of these soldiers has laid down his life on the field of battle or has died by reason of wounds received or disease contracted in the service, that then his widow, his mother, his children, his sisters, or brothers, according to the established order of representation as proposed in the bill, shall receive a bounty equal to that received by those who enlisted for a longer period.

In order that the proviso of this bill may be properly understood, I call attention to the following extract from the act of July 11, 1862, specifying the beneficiaries under that act:

Provided, That said bounty shall be paid to the following persons, and in the order following, and to no other person, to wit: First, to the widow of such deceased soldier, if there be one; second, if there be no widow, then to the children of such deceased soldier, share and share alike; third, if such soldier left neither a widow, or child, or children, then and in that case such bounty shall be paid to the following persons, provided they be residents of the United States, to wit: First, to his father; or, if he shall not be living or has abandoned the support of his family, then to the mother of such soldier; and if there be neither father nor mother as aforesaid, then such bounty shall be paid to the brothers and sisters of the deceased soldier, resident as aforesaid.

Mr. Speaker, this proposition needs no argument; neither logic nor rhetoric can aid it. Whether the soldier enlisted for three months or three years, or for a shorter or longer period, I think it will be admitted by all that if he gave his life to his country he gave as much as he who gave most—even all that he had; and his dependent family is equally deprived of the services and support of their natural protector.

We are to-day in the full enjoyment of home and country, of civil and religious liberty, of freedom and equality. We have privileges that no other people on earth enjoy. These privileges have cost a price, and that price is the blood of those whom this bill seeks to remember. Our sense of obligation and gratitude cannot reach them, but those who were ever dearer to the dying soldier than his waning life are within our reach, and it is but a small meed of justice for us to say to them we will pay to you who have lost your son, or husband, or brother, that which they did not receive in life, and which the thousands of volunteers now in life and health did receive.

The proposed bounty is in fact only about one-half the sum realized by those who were entitled to bounties under existing laws, because they received their bounties long years ago, which, with the interest added, reaches nearly twice the sum originally paid them. It is only asked at this period for the representatives of those soldiers who enlisted for less than a year, and have died by reason of their services, what others received many years since.

I know that retrenchment and economy is the aim of the members of this House, and rightly too, and no one will by any proper measure go further in that direction than I; but let us see to it that in our endeavor to promote economy we do not perpetuate injustice, and that we are not sordid and ungrateful, remembering that there are some duties to which the plea of economy cannot rightfully be made. While the volunteers for a year and upward have received their bounties and many are now enjoying them, we cannot under the plea of economy refuse a bounty to the widows and mothers of those against whom the Government has so long and unfairly discriminated.

But, Mr. Speaker, it appears to me that considered as a measure of economy even, this bill should be approved. This nation is in its infancy, and it is too much to hope, with all our desires for peace, that there are not other wars before it, and more blood to be shed, and I insist therefore that the Government cannot afford to withhold this justice, and longer manifest a want of consideration for those who have died in defense of the nation; for such a policy would tend to retard enlistments and lead the people in times of emergency to stand aloof from the defense of the national life until the necessities of the Government would compel the offering of extraordinary bounties. Whether, therefore, considered as an act of justice, or in view of possible future wars, I deem this measure to be equally entitled to our favorable action.

Mr. Speaker, those whom the bounties provided by this act would reach, being the families of deceased soldiers, are the ones who have suffered most by the war. Deprived of the care and support of those upon whom they depended, they were obliged alone to toil and to suffer, and often for the very necessities of life. They bore the anxieties and tortures of mind incident to the ever-pressing reflection that son or husband or brother was in peril. Theirs was the grief and fearful desolation when were returned to the family circle, cold and dead, the remains of him who a few months before left them buoyant with hope and burning with patriotism; theirs have since been the privations and neglect incident to a life of poverty and want.

Since the beginning of the war up to the present time it has been my pleasure to give some attention to the interests of the soldiers and of those they have left behind them; and while as a rule they bear their misfortunes with wonderful resignation, I am bound to bear my testimony that the discrimination in the way of bounties against those who enlisted for less than a year and who gave their lives in the service of their country, has produced with many a deep sense of wrong and injury, and I feel that we should hasten to relieve

the nation from this charge of injustice, which is in truth too well sustained.

Mr. Speaker, I do not wish the House to act blindly on this subject, and would not conceal from it the fact that the bill involves no considerable expenditure. I estimate that there are forty-five hundred and fifty families that would be entitled to claim the benefits of this measure; and a bounty of \$200 for each family would involve an expenditure of \$900,000. But although the sum is considerable we should not hesitate to vote it; we are doing but simple justice to those by whose fearful sacrifices it is that we have anything to economize or to bestow.

It will be observed that this bill does not authorize the payment of one dollar on account of those who have received bounty, and that it does not apply to the future, but only to the heirs of soldiers now deceased, and does not therefore involve an expenditure that it is to be either continued or increased. So long a period has now elapsed since the war ceased, that in the future it cannot be reasonably claimed that the soldier has died from wounds or disease contracted in the service.

It is impossible to state with exactness the number of beneficiaries which this bill will include, and I have been obliged, in arriving at my conclusions, to assume that the number of deaths in the short service will be in proportion to the length of the terms of enlistment, the same as in the long service. The War Department has furnished me with a statement of the number of enlistments during the war, and the length of service; the whole number being 2,669,832, divided as follows:

| | |
|-----------------------|-----------|
| For one year | 390,597 |
| For two years | 44,365 |
| For three years | 1,932,869 |

Whole number for one year and upward to whom this bill does not relate 2,367,171

| | |
|-------------------------|---------|
| For less than one year: | |
| Sixty days | 296 |
| Three months | 108,416 |
| One hundred days | 85,507 |
| Four months | 42 |
| Six months | 20,439 |
| Eight months | 373 |
| Nine months | 87,588 |

For less than one year (and it only to the families of this class of soldiers who were killed or died in consequence of the service, that the bill refers) 302,661

Total number 2,669,832

The following is a statement of the number of troops who entered the service for a less term than one year, showing the States and Territories in which they enlisted:

| | |
|----------------------------|---------|
| Maine | 8,391 |
| New Hampshire | 2,682 |
| Vermont | 5,563 |
| Massachusetts | 27,333 |
| Rhode Island | 5,206 |
| Connecticut | 8,004 |
| New York | 29,916 |
| New Jersey | 14,579 |
| Pennsylvania | 63,773 |
| Delaware | 2,574 |
| Maryland | 2,912 |
| West Virginia | 2,048 |
| District of Columbia | 4,730 |
| Ohio | 51,347 |
| Indiana | 17,710 |
| Illinois | 20,844 |
| Michigan | 781 |
| Wisconsin | 3,909 |
| Minnesota | 930 |
| Iowa | 4,869 |
| Missouri | 16,590 |
| Kansas | 1,091 |
| Tennessee | 739 |
| Arkansas | 374 |
| Oregon | 42 |
| Nebraska Territory | 1,228 |
| Colorado | 1,342 |
| New Mexico | 2,396 |
| Louisiana | 609 |
| Total | 302,661 |

The whole number of deaths in the Army, including all enlistments, was 327,588, and as five months is the average of the short terms it gives as the probable number of deaths in the class provided for in this bill, the number before stated, namely, 4,550. I should state that the Second Auditor of the Treasury, Hon. E. B. French, who, from his great experience and intelligence, is perhaps better able to form a correct opinion on this subject than any one else, assures me that my estimate of deaths in the short service is very liberal and will exceed by far the actual number to be provided for.

In justice to the Thirty-eighth Congress it should be stated that it passed an act, which was approved March 3, 1865, (Statutes at Large, volume 13, page 488, section 11,) by which bounties were intended to have been given to the heirs of all soldiers, but being referred to in said act as "volunteers," the Secretary of War decided that this class of men, having enlisted under the President's call for *militia*, were not entitled to the benefits of the act; and in consequence thereof the good intentions of Congress were defeated. Now should the proposed bill be concurred in the spirit of that law will be carried out and the long-deferred justice accomplished.

It is not necessary I am sure to appeal for the support of this measure to the gallant and patriotic gentlemen upon this floor who participated in that terrible strife, or to the other members of this House, who, in common with all the people of this land, are to-day enjoying the fruits of that fearful conflict; for it appears to me that the demand is so reasonable and so just that no one will hesitate to grant the desired boon to the widows and orphans of the slain, but that all will gladly embrace the opportunity to perform this act of equity and mercy.

Mr. Speaker, feeling that this brief statement of the merits of this bill might with propriety be made I have ventured thus long to occupy the attention of the House. Permit me in conclusion to add one remark that the old and beautiful maxim which declares that "it is sweet to die for one's country," is only true when one dies with the conviction that he will be remembered with gratitude and the dear ones he leaves behind him with justice.

MOIETIES, SANBORN CONTRACTS, ETC.

Mr. BUTLER, of Massachusetts. Mr. Speaker, failing health and the imperative direction of my medical adviser of the danger of taking part in a debate which might call for a draught upon physical strength kept me silent upon the debate on the bills repealing the several moiety laws by means of which the collection of taxes had been assured in all civilized nations. Perhaps this inability was not infelicitous, because it now permits me to call the attention of the House to what I deem the dangers to the revenue of so complete a departure from a system begun under Hamilton, sanctioned without interruption by every legislative act without one intended exception; and because this may now be done, too, after the officers lately executing these laws have gone out of office. The personal enmities and feelings which egged on the prosecution of the investigations of the Committee on Ways and Means have subsided or failed in their specific objects; personal ambition and hate, which were its impelling motives, have either been satiated or failed in their purposes; and the bill proposed by the committee having passed the House without a division, what I may now bring to the attention of the House will not have its weight diminished by the allegation of a desire to defeat an alleged measure of reform for personal or private reasons.

I assume the experiment of abolishing moiety is to be tried. I only desire therefore now to raise a warning voice against this experiment as one in the interest of the dishonest and unscrupulous importer and tax-evader, against the interest of the people as well as the honest and conscientious merchant.

What, then, is the moiety system? It is giving certain large rewards to official or other persons who will take upon themselves the unpleasant task—which is the duty of every citizen, but wholly neglected—of exposing frauds upon the Government and evasions of its taxes by those by whom the law requires they shall be paid. This system has been the machinery for preventing frauds in the collection of taxes in all civilized countries from time immemorial. We derive our laws in this regard, as indeed in all others, directly from England. It was declared in the House as an argument against it that the moiety system had been abolished in England. That is true; but the other truth which caused its abolition was not stated in the same connection by either of the gentlemen of the Committee on Ways and Means in their elaborate speeches taking up several days upon this subject, or in the several reports which they have made to the House, covering six hundred pages; and that is, Great Britain has abolished duties upon all articles of importation save seven only, and upon these her tax is substantially a specific and not an *ad valorem* duty, and she has thrown around those seven articles such safeguards as to compel the honest payment of the imposts upon them; while we have imposed duties, generally *ad valorem*, on three thousand two hundred and eleven articles of importation of every possible description, and in the value of each of which every customs officer would be required to be skilled and expert in addition to his assured honesty, in order to an accurate collection of the imposed duties; and, in addition, experience shows that he would have to be still more expert as a detective in discovering and thwarting the many devices by which the just dues of the country are evaded and the revenues defrauded by the skilled, expert, and unscrupulous importer.

It has been said and reiterated, "Why cannot the revenue officers collect all the revenues? If they are honest and do their duty, what necessity to have informers and detectives?" The answer is a plain one: The more honest the officer, the more unsuspecting of fraud and the more easily deceived; and you cannot get men for \$1,500 a year who are learned in the whole circle of human knowledge as applied to the many thousand articles of use, necessity, and luxury which are imported and taxed by a nation, comprising every variety of climate and every grade of necessity and luxury in its inhabitants, surrounded by a customs line of more than twelve thousand miles, to say nothing of Alaska, over which importations may be made without the payment of duties unless prevented by the customs officers.

Does not this simple statement show the entire impossibility of collecting the just taxes upon this number of articles by the knowledge of the customs officers, to be imported under an *ad valorem* duty founded upon their valuations, or to protect from smuggling so extended a customs line by any practical number of officials? The Committee on Ways and Means forgot to tell you also that in addition to the number of officers which Great Britain has to supervise the col-

lection of taxes upon goods, she still has a "preventive service," as it is called, with an organized corps of trained officers, covering her whole coast, and watching every bay, inlet, and headland of her island whereon contraband goods can possibly be landed. We have no such service, but officers engaged in collecting revenues upon regularly imported goods only, the special agents of the Treasury and the revenue marine excepted. How, then, can smuggling and the much more extended and injurious crime, the importation of goods by false values and false weight and measurement, be prevented? Only by the imposition of penalties so severe that they will make the hazard of the business more than commensurate with the profits. Now the profits on the undervaluation of a single cargo may be hundreds of thousands, while smuggling must of necessity be of very much less value at the single venture. Therefore the importation at undervaluation and by false weights and measures is much more dangerous to the revenue than any possible smuggling. Yet the committee seem to have directed all their energies to relieving from penalties frauds by undervaluations and cheating by false invoices whereby the greatest wrongs and injuries are inflicted upon the Government, and to have given their attention to the prevention of smuggling, which of necessity must be comparatively innocuous and in much smaller amounts.

The smuggler must hide in nooks and inlets, and bring in his goods by stealth under the cover of darkness. Of necessity they are few and of little cost. The fraudulent importer by a false valuation brings in his goods by the cargo, in three thousand ton steamers plying weekly between New York and Liverpool, and passes them through by a bribed officer at undervaluation on a perjured invoice of a confederate partner house in Europe, cheats the people of the United States out of millions, thereby becomes a "merchant prince," and covers his sins perhaps by building churches or other ostentatious acts of advertising benevolence which bring trade to his house; at the same time he lulls the suspicions and blinds the vigilance of the honest customs officer. For how can he believe that such a benevolent, rich, and praying merchant can be getting the means for his charities by defrauding the revenue, cheating the people out of a million dollars, and giving a thousand in charity that he may not be suspected of the fraud? I hope to convince the House before I get through that this is no fancy picture. Yet from this class of defrauders of the revenue the bill of the committee takes away almost every safeguard, and relieves substantially of every penalty.

Penalties, however severe, will be of no value as a preventive unless it is known that they will be enforced. What does the experience of all time and of all peoples teach us as to the detection of crime where there is great interest to cover it up? This truth: that under such circumstances crime is only to be found out and thwarted by an equal interest in the discoverer and pursuer, and the only safety to the revenue of the country is in the belief of the fraudulent importer that he is liable to be pursued by men whose intellects are sharpened and whose energies are spurred by an equal interest to discover the fraud with that which has impelled him to do the wrong.

It is replied to this that it is to be presumed merchants are all honest; that it is not to be assumed that they defraud the revenue; that as to them all this machinery is useless, all the pains and penalties simply vexatious, and their only application is to injure the innocent importer who may happen to have made mistakes. The committee, however, have again forgotten to tell us that in every case of honest mistake the law gives instant remedy in the remission of all penalties. Penalties can only be inflicted on the merchant when the Secretary of the Treasury cannot be convinced he is honest. An illustration, however, upon this point will give a better idea of the honesty of all merchants than any reasoning. And lest I may be supposed to be prejudiced I will take

THE TEA TRADE OF BOSTON.

The House is aware that our revenue system allows the merchant to bring his goods in without payment of duties and keep them in bond, and in case he desires export them without payment of duties. The House will also do me the favor to remember that up to 1870 we had not a very large duty on tea, but yet enough to excite the cupidity of some "honest merchants." In 1867 there were exported in bond free of duty from Boston to certain small places in the British provinces bordering on the coast of Maine, to wit: Saint Stephens, Saint Andrews, the Island of Grand Menan, Campo Bello, Indian Island, and Saint John's River, 6,738 packages, containing 338,308 pounds of tea. But in the latter part of 1867 one of these "pestiferous informers," upon whom the very vials of wrath of the chairman of the committee were poured out—an informer, aided by a special agent of the Treasury, went down East along the line dividing us from the province of New Brunswick, and commenced a series of suits and seizures which the bill of the committee now forbids, especially seizures of books and papers; and the consequence was that the next year, 1868, at the same ports, only 1,794 packages of tea, amounting to 85,968 pounds, or one quarter as many, were sent there from Boston to be smuggled back into the United States. Does not this conclusively prove the necessity for the use of the informer and the penalty of a moiety given to him to induce him to act for the Government so that he may be willing to be vituperated by the learned chairman of the committee in the following choice language:

"An odious, despised being, from whom everybody shrinks;" "who has no place whatever in decent society;" "who has his accursed employment;" "a vile, festering, putrescent informer;" "who takes the wages of sin and iniquity."

Who would not require at least one-half of all the penalties he could get to have such billingsgate thrown at him in the face of the country? Did it ever occur to the chairman that there must be something to inform of before there could be an informer; that the "honest merchant" must have committed a crime before anybody could tell of that crime; that the "honest merchant" must be convicted of defrauding the revenue by a jury, unless he confesses his guilt, before the informer can get a quarter of the penalties of the crime to which the court sentences the criminal? In all this most remarkable ebullition of vituperation the learned chairman finds no word of obijuration or characterization of the dishonest, perjured, fraudulent, smuggling importer, because of whose crimes alone the "pestiferous informer" can exist. Ah! who would not rather be the "merchant prince" who defrauds his government and cheats the people and is false to his country and his God alike, to be praised and be lauded therefor by the Committee on Ways and Means, rather than the citizen who informs the Government of his crimes in order that they may be hindered, stayed, and punished?

To stamp the fact that all this importation of tea in bond from Boston—for I do not take into the account the other ports of the United States—to this province was entirely for the purpose of being smuggled back into the United States by the "honest merchant," I call attention to the fact that in 1870 the duty was taken off tea, and in 1873, with all the increase of population, there was sent from Boston to the same port only twenty-eight packages of tea, amounting to 1,766 pounds, in I find 1,738 packages, containing 338,000 pounds, when it could be smuggled with profit, the duty in the provinces being the same all the while—the duty having changed in this country alone. The table I send to the Clerk's desk will show this better than I have stated it.

The Clerk read as follows:

Statement of the tea exported in bond to British provinces during the years 1867 and 1868 from the port of Boston.

| To New Brunswick. | Before the informer. | | After the suit. | | After duty was taken off.* | |
|-----------------------|----------------------|----------|-----------------|---------|----------------------------|--------|
| | 1867. | | 1868. | | 1873. | |
| | Pkgs. | Lbs. | Pkgs. | Lbs. | Pkgs. | Lbs. |
| Saint Stephen's..... | 2, 338 | 128, 494 | 348 | 15, 941 | ..... | ..... |
| Saint Andrew's..... | 224 | 10, 055 | 10 | 360 | 18 | 804 |
| Grand Menau..... | 40 | 2, 624 | 33 | 2, 018 | 1 | 58 |
| Campo Bello..... | 322 | 13, 322 | 33 | 1, 802 | ..... | ..... |
| Indian Island..... | 189 | 8, 356 | 105 | 4, 754 | ..... | ..... |
| Saint John..... | 2, 931 | 167, 907 | 1, 230 | 58, 688 | 9 | 904 |
| Saint John River..... | 194 | 8, 050 | 65 | 3, 405 | ..... | ..... |
| Other ports..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Total..... | 6, 738 | 338, 808 | 1, 794 | 85, 968 | 28 | 1, 766 |

*So there was no profit in smuggling across the line into the United States.

CUSTOM-HOUSE, BOSTON,
Collector's Office, March 30, 1874.

The foregoing tabular statement was compiled from the records in this office.
[SEAL.] W. A. SIMMONS, Collector.

Mr. BUTLER, of Massachusetts. But this exporting in bond of a few hundred thousand pounds of tea to half-civilized islands, as I have said before, is but a bagatelle in comparison with the amount of frauds committed upon the revenue by false and fraudulent invoices of high-cost merchandise. I have therefore been at some pains to get for the use of the House some accurate data founded upon statistics, which may be verified by anybody who will take the same pains that I have done, and which cannot be successfully contradicted.

Upon these I make this startling announcement to the House and the country: That the United States does not receive more than two-thirds of her revenue upon all articles on which *ad valorem* duties are imposed in whole or in part, so that to-day no more than 67 per cent. of our revenues are collected, owing to this class of frauds added to the others of which I have been speaking, or, in other words, if we could collect our revenues according to the present rate of taxation we could pay off yearly more than one hundred millions of the national debt, imposing no greater burdens on the people than now, because all of these revenues of which the country is defrauded are charged to the consumer as if paid by the merchant; so that by these enormous frauds the country is doubly the loser, first in its revenue, and secondly by the consumer paying it to the fraudulent merchant, generally an importer who has a branch of his mercantile house in this country and in the country from which his goods come.

I would not dare, sir, to make this very startling, nay, wonderful and almost incredible statement as to these frauds of undervaluation and false invoices were I not fortified by proof which I bring to the attention of the House, premising only that great as are the frauds with all possible penalties, seizure of books, and moieties to informers, and all the safeguards that the experience of the custom-house officers of England and this country has enabled us to throw around the revenues of the United States, these safeguards and penalties and hinderances to frauds have by the bill of the Committee on Ways and Means almost every one of them been removed.

Now to the proof. Let us take a manufacture which has but just begun in this country.

WORSTED STUFFS.

Fraudulent undervaluations in worsted stuffs of all kinds sent from England to the United States are simply enormous, as the subjoined examples will demonstrate:

Combed, not milled, worsted stuffs exported from Great Britain in one year, total number of yards, 154,206,478. Of these there were sent to the United States 48,542,218 yards; to other countries, 105,664,260 yards. Total value as declared in the invoices to the United States, \$10,324,741.24; to other countries, \$33,331,100.44. Average invoice value per yard to the United States, 21 cents; to other countries where there is no tariff of duties, 39.7 cents. Difference, or undervaluation, 47 per cent. Estimated annual loss on duties on this single class of goods, \$3,007,190.40.

OTHER WORSTED STUFFS.

Total exported in five months, 85,299,174 yards; to the United States, 28,442,728 yards; to other countries, 56,856,449 yards. Total declared value to the United States, \$5,073,975.28; to other countries, \$18,038,050.80. Average per yard to the United States, 18 cents; to other countries, 31½ cents. Difference, or undervaluation, 45 per cent.

LINENS.

Exports in one year to the United States, 70,234,347 yards; total declared value, \$10,507,790.04. Average invoice value, 14.9 cents per yard. Exports same year to France, Prussia, and Spain, 7,404,154 yards; total declared value, \$1,646,214.72; average invoice value, 24.8 cents per yard. Difference, or undervaluation in linens, sent to the United States, 43 per cent.

LINEN YARNS.

Total exported in one year, 34,002,479 pounds; to the United States, 1,247,457 pounds; other countries, 32,755,022 pounds. Total declared value to the United States, 24 cents per pound; to other countries, 35 cents per pound. Undervaluation on yarns sent to the United States, 32 per cent.

LINEN DAMASK AND DIAPER.

Exported to all countries in one year, 1,397,077 yards; to the United States, 1,267,390 yards; other countries, 129,687 yards. Total declared value to the United States, \$413,311.80; to other countries, \$56,081.08. Average per yard to the United States, 32 cents; to other countries, 43 cents. Undervaluation, 26 per cent.

The undervaluation in the exports of carpets from the looms of Kidderminster, Halifax, &c., is enormous. In bags, leather, gloves, percussion caps, &c., the same ratio of undervaluation is shown to exist as in fact it does with all articles paying an *ad valorem* duty.

The whole needle trade of Redditch and vicinity is carried on on a similar basis. It is like other branches of our foreign trade entirely in the hands of the foreign manufacturer and his resident agent or partner here, thus defying detection and exposure except by the greatest skill stimulated by the highest rewards. Certain it is that all articles of foreign manufacture and importation shipped to the United States are in quality and cost far better than the average shipped to other countries, and therefore the average rate of invoicing should be much higher for the United States, whereas as we have seen it is vastly lower. This fact, therefore, clearly demonstrates such undervaluation is done for the sole purpose of defrauding our revenues.

To show the accuracy of the conclusion it is only necessary to turn to articles which pay purely specific duties. By their undervaluation nothing is to be gained. Take for example—

COTTON GOODS.

Total of heavy printed cotton exported in the same year as above from Great Britain, 715,559,642 yards; to the United States, 27,384,430 yards; other countries, 688,175,212 yards. Total declared value to the United States, \$3,258,229.92; to other countries, \$72,224,682.20. Average per yard to the United States, 11½ cents; to other countries, 10½ cents.

LIGHT PRINTED COTTONS.

Total exported same year, 141,604,328 yards; to the United States, 9,324,688 yards; other countries, 132,279,640 yards. Total declared value to the United States, \$1,151,591.88; other countries, \$13,985,843.08. Average per yard to the United States, 12 cents; to other countries, 10 cents.

Here it will be seen that as soon as we approach goods paying exclusively a specific duty the average rate of invoicing is higher to the United States than to other countries, proving that a better class of goods generally is sent here than to other countries, and leading to the inevitable conclusion that the same difference of higher rates of invoicing would prevail in worsteds, linens, carpets, &c., if they also paid a specific instead of an *ad valorem* or mixed duty. The same facts are true regarding imports from other countries.

The Committee on Ways and Means may reply to this—which would be the fact—that they have not had these statistics before them. Certainly not. If they have, their report does not show it. They have examined only cases of individual merchants to find out if the laws have worked supposed hardships, and not the case of the people, to see how they are defrauded. The committee put forward most prominently of all, as example of the hardship of the law upon honest men, the case of Phelps, Dodge & Co., making the case of that firm the ground-work for all their recommended legislation; and in their report, and in the debate which followed, and which for days members of the committee had substantially to themselves, no one has uttered a word of animadversion upon Phelps, Dodge & Co. No harsh language is used; all that is reserved for the officer who

brought their pleaded guilt to light. In the course of the evidence, as taken before the committee, there seems to be a studied and careful attempt that that firm shall appear to the country as honest and injured merchants, who had, by the devices of the officers of the Government, been robbed of a very large sum of money. All the lawyers and chairmen of boards of trade, and there were many, made it the ground-work of their attacks upon the revenue laws. It went forth as the *cheval de bataille* of those who desired to take off all effective penalties to prevent frauds in the collection of the revenue.

The facts of this case, as stated by Mr. Dodge, the senior partner, whose testimony as a witness occupied longer time than any other witness save one, and to make room for whom the representative of the National Board of Trade gave way, are these. (Let us premise by saying, however, that none of the active junior partners of the house who swore to the invoices, and were charged with committing the frauds, were sent for by the committee.) Phelps, Dodge & Co., a firm of many years' standing, who had imported between "three and four hundred million dollars' worth of goods, and had paid the United States Government more than fifty millions of duties," very honest—giving the very language of Mr. Dodge—"I will say it with perfect confidence that our good name and our integrity were never assailed in these many years until it was assailed by the Government"—meaning the charge, made by a special agent of the Treasury, of false valuation in December, 1872. Mr. Dodge again reiterates that statement: "The first knowledge or hint in forty-odd years of business that I have had with the Government, that I was accused of any dereliction of duty was, when sitting at the board of one of our large institutions, I received a note from my partner, asking me to come to the custom-house," (in December, 1872;) that thereupon he went, and found his firm accused of having many invoices for five years—which was as far as the Government could go back on account of the statute of limitations—sworn to at a false valuation, for the purpose of defrauding the revenue; and that the books and papers of the firm touching those importations would be seized if not voluntarily produced to the officers. Thereupon, yielding to the necessity, his books and papers were produced, and from those books and papers the special agent of the Treasury made up an account, first, of \$260,000, but afterward coming up to the enormous sum of \$271,000, the amount of articles in the invoices in which "simple mistakes" only, as Mr. Dodge now declares, had been made in stating their value, by which the Government had lost duties to the amount of some sixteen hundred dollars only. But Phelps, Dodge & Co., fearing that these "simple mistakes" would hold them guilty in a court, and being "subject to a system of terrorism" which they could not withstand, in order to save themselves from the oppressions of the Government officials, in entire consciousness of integrity and innocence of all intended or actual wrong, after they had taken counsel of four most eminent lawyers, and after reflecting upon the subject for more than six weeks, made an offer of compromise of penalties for the crime of importation by false invoices, which they confessed in writing they had done, and paid this very great sum of money into the Treasury, as penalty.

This is the statement, in brief, as Mr. Dodge puts it forward in connection with the record. He admits that the house of Phelps, Dodge & Co. has had, for many years, a branch house in Liverpool—Phelps, James & Co.—which was substantially the same in interest as the house in New York, composed of the same Phelps and the same James as the house in New York. To exclude all conclusion that this Mr. James of this firm in Liverpool did any wrong, Mr. Dodge tells us that Mr. James joined the firm and removed to Liverpool—

Where, for over forty years, he has been the resident partner, sustaining the character of a high-minded, respected, and honorable merchant, and for a number of years past the oldest American merchant in England; his name a synonym of honesty and uprightness, and shedding a luster on his own country and American merchants; gratified by the honors conferred abroad, but ever looking with pride, as an American citizen, for protection to his own country. In all this time not a question had ever arisen as to the vast shipments made to the house in New York. On entering his office one day in December, 1872, he found the following dispatch, in leaded lines, in the newspapers:

"PHELPS, DODGE & CO., NEW YORK.—This great firm have had their books and papers seized by the United States for alleged frauds on the revenue to the amount of \$1,750,000."

I will not attempt to describe the feelings of such a man. I will simply say that the shock came well-nigh killing him; nor has he ever entirely recovered. He felt that a life-long reputation, dearer to him than aught else, had been struck down, in a moment, by his own Government, on which he had depended for protection. He had passed his three-score and ten until then with an unblemished character, and felt that, at least, he had a right to demand that he should be "considered innocent till proved guilty." Can a law liable to produce such results be just?

If this account of Mr. Dodge is in the main true; nay, if it is found to be true in any substantial portion; if his firm had maintained always a name for integrity and honesty of dealing with the Government; if his statement about Mr. James be true, that "in all this time not a question had ever arisen as to the vast shipments made to the house in New York," then I agree "that a law liable to produce such results not only is unjust" and should be repealed, but that it is the duty of the United States Government to condignly punish the officers who have done so gross a wrong to such honorable men, and not only to repay them the money that has been extorted from them, but to give them a very large sum as some slight reparation for the unqualified wrong and unheard-of injury without just cause committed upon them. But if all these statements are not true, in substance or in fact; if the whole story in all its essential parts is as false as the perjured invoices under which Phelps, Dodge & Co. pleaded guilty that they passed their

goods without tax into the country, then the law that catches perjured scoundrels and smuggling villains and punishes them, however severely, ought to be sustained and made more stringent, not less.

The first statement of Mr. Dodge which challenges attention is whether the house in New York and Liverpool has, until the latter part of December, 1872, always borne this unblemished reputation without fault or blot, which he states; and have the dealings of that house with the Government been always just and true, as Christian "merchant princes" ought to have dealt with the Government? Because, if that be so, it can hardly be believed that for a comparatively small sum of money a house of such wealth and good repute has suddenly become so vile and so criminal as they confessed themselves to be in their letter to the Secretary of the Treasury when they desired to "settle" with the Government for their crimes. If, on the other hand, it is found that this firm have been cheating this Government for long years, then we shall conclude that they have only been caught at their old tricks.

Now, Mr. Speaker, it is a notorious fact to everybody having to do with importations in New York officially for many years past that the house of Phelps, Dodge & Co. have been confessed to be guilty of the most petty and outrageous smuggling, taking advantage of all technical points to get their goods in without paying duties that could be most ingeniously conceived.

A harsh accusation this, you say. Yes, and one that ought not to be made unless it can be made good. Well, then, sir, many years ago, since the forty years that Mr. James has been resident partner of the house in Liverpool and interested in the house in New York, during which time Dodge says not a question has been raised as to the vast shipments of this house, and since Phelps, Dodge & Co. have been one of the largest importers in the country of lead, tin, and other metals, the Congress of the United States passed a law to encourage American art, a law which in various phases you will find on your statute-books as the tariff was revised from time to time, which was in effect that statutory of American artists should come in free. Whereupon this firm, of which Mr. James, this "honest, honored merchant," was resident partner and consignor, had hundreds and thousands of tons of lead and block-tin and copper cast into statuettes of the Goddess of Liberty and Washington and Jefferson, and imported them into this country as works of American art, thereby escaping the duty. But when here they were taken from the hold of the vessel to the warehouse, and from the warehouse went to the melting-pot, being sold to their customers for pig-lead and tin.

Now, right here, I challenge any honest, just-minded man to look me in the face and say that an "honest merchant" or a "Christian gentleman" ever did such a thing to cheat his government, whether a James of Liverpool or a Dodge of New York. And yet this Dodge tells us that the "first knowledge or hint, in forty-odd years of business that I have had with the Government, that I was accused of any dereliction of duty" was in December, 1872. Was that true? So far from its being true, Mr. Speaker, Congress had to change this very law about American statuary on account of these fraudulent importations and cheating of the revenue of which I have spoken by this very firm; and this firm was accused of this fraud upon the revenue on the 1st day of March, 1865, on this very floor. I send to the Clerk to be read an extract from the Congressional Globe of that date, part two, second session Thirty-eighth Congress, page 1255. The fifth section of the tariff bill was under discussion, and was as follows:

And be it further enacted, That the term statutory, as used in the laws now in force imposing duties on foreign importations, shall be understood to include professional productions of a statuary or of a sculptor only.

Mr. KEKMAN. I desire some explanation of this section. I should like to know what this unprofessional statuary is. Has this provision reference to those people who import leaden statues of Liberty, &c.?

Mr. MORRILL. I may state, in brief, that it has been found that parties have in many cases evaded the payment of duties by importing articles in the form of statuary when they could not legitimately rank as such. In some instances lead has been thus imported to a large extent. We had a law by which statuary was admitted free; and statues of the "Father of his Country" and of the "Author of the Declaration of Independence" were brought over in that way. I believe that the gentleman is answered.

Mr. ELDRIDGE. I would like to know from the gentleman from Vermont whether this does not refer to one particular firm. I want to know whether this does not refer to PHELPS, DODGE & CO., and that firm alone.

Mr. STEVENS. When statuary was admitted free we had statues of Webster and Clay and others in copper and lead imported, and so soon as they were landed and taken out of the custom-house they were melted down. IT WAS A FRAUD UPON THE REVENUE.

Mr. ELDRIDGE. What firm did that?

Mr. STEVENS. Phelps, Dodge & Co.

Now, as Mr. Dodge himself came into Congress as a member of this House at the very next session, one would have supposed that he would have arisen to explain if this very grave charge upon the president of the Young Men's Christian Association was not true. So far the record. I am told, and I believe, that there are men in this House who know the fact that Mr. Dodge himself admitted before the Committee of Ways and Means of a former House, when questioned, that these importations were made. The fact never has been denied, and can be easily substantiated. Imagine the fine feelings of this old Mr. James, the "honored merchant" of Liverpool, when he was loading up this fraudulent statuary to cheat the revenue of his country!

I have no doubt that it was quite true, as Dodge states, that when James heard that Phelps, Dodge & Co.'s books had been seized in New York in 1873 he nearly fell dead, or that it almost killed him, for he knew how fraudulent their acts were, and always had been, and feared

the consequences. There was a merchant of high standing in Boston not many years ago who, when charged with frauds upon the revenue, made confession by committing suicide.

Importing of lead and tin and copper in the form of statuary was by no means the most serious attack of this firm upon the revenues of the Government for their own benefit. Cast your mind back, Mr. Speaker, to April, 1864, the very darkest hours of the war, when Grant was reorganizing the Army of the Potomac for his march on Richmond; when every patriotic man was preparing himself for the final great struggle; when the nation needed every dollar that it could command, and when it became necessary to add one-half to our revenues by taxation to sustain our falling credit, with gold at 180. What shall we say of a firm which in that trying hour of the nation's peril exercised its infernal ingenuity in devising ways and means to defraud our impoverished Treasury of millions, and succeeded in so doing?

To meet the exigency we were obliged to pass a joint resolution providing that until the end of sixty days 50 per cent. of the rates of duties imposed by law should be added to the then present duties and imposts on all goods, wares, and merchandise, so that we might have time in which to adjust the tariffs; and then, just sixty days from that time, to wit, on the 30th of June, we passed an "Act to increase the duties on imports." It covered nearly all importations, and, among other things, it provided—

On tin plates, and iron galvanized or coated with any metal by electric batteries or otherwise, 2½ cents a pound.

At this time, if ever, Mr. Speaker, it became all patriotic men, all lovers of the country, to do everything that possibly could be done to aid the revenues of the country, to sustain its credit and enable the soldiers to receive their pay, and to support the armies in the field. Let us see, then, what the course of this firm of Christian merchants, Phelps, Dodge & Co., was in that crisis of their country's need. They were the largest importers of tin plates in the country, and that article is one of the largest of their importations. As we shall see in a moment, it ought to yield a large revenue. The duty upon it at that time was 25 per cent. *ad valorem*, which would be about 1½ cents per pound. It was the intention of Congress to increase it; therefore they enacted that "on tin plates, and iron galvanized or coated," &c., there should be a duty of 2½ cents a pound. But Mr. William E. Dodge went to the Treasury Department of the United States, in his own person, as I have the means of showing, and there advocated a reading of that law which was sanctioned neither by the letter, text, spirit, nor meaning, nor by the true and just thought of any patriot. He procured an opinion from the Treasury Department by which the comma was construed to be removed after the word "plates" and inserted after the word "iron," so as to make it read:

On tin plates and iron, galvanized or coated with any metal by electric batteries or otherwise, 2½ cents a pound.

So that, with that construction, the duty had not been raised on tin plates at all, but only on "galvanized" tin plates. Who ever heard of a galvanized tin plate? None was ever imported, I venture to say, or ever will be. The consequence was, that all the tin plates imported into the United States, of which Phelps, Dodge & Co. were by far the largest importers, came in at 25 per cent. *ad valorem* instead of 2½ cents a pound, which was a very large increase of duty. I send a table to the Clerk to show how this would operate in favor of Phelps, Dodge & Co. I have not been able to obtain the statistics of their importations in 1864-'65, but I have their importations for 1870-'71, in which, taking the average both of weight and value, the following result is shown.

The Clerk read as follows:

Imports of tin plates by Phelps, Dodge & Co. for the year 1870-'71.

| | |
|-------------------------------------|------------------|
| 1870, (boxes) | 585, 378 |
| 1871, (boxes) | 734, 112 |
| Total, (boxes) | 1, 319, 490 |
| Average weight, (pounds,) say | 125 |
| Total weight, (pounds) | 164, 936, 250 |
| Duty, (cents) | 2½ |
| Total duty | \$4, 123, 406.25 |

Total number of boxes, 1,319,490, at an average value of 22 shillings sterling per box, making \$1,451,439; equal in United States gold to \$7,024,965; duty at 25 per cent., \$1,756,241.

RECAPITULATION.

| | |
|---|---------------|
| Amount of duty at specific rate of 2½ cents per pound | \$4, 123, 406 |
| Amount of duty at <i>ad valorem</i> rate of 25 per cent. | 1, 756, 241 |
| Difference in favor of importer | 2, 367, 165 |

Mr. BUTLER, of Massachusetts. Showing, it seems to me clearly, even admitting that my average may be considerably out of the way, a difference of at least 100 per cent. in favor of the *ad valorem* rate.

Whether that average value is precisely correct or not is of no consequence, because it would not substantially vary the figures, and that shows that in 1870-'71, and every other year from 1864 until the change of the tariff on June 6, 1872, would make a difference in favor of Phelps, Dodge & Co. and against the United States by this change of the law at the personal solicitation of William E. Dodge with the Treasury officers of the United States of \$2,367,000, and over four mil-

lions annually, taking the whole importation of the United States during that eight years.

We have heard, in the matter of the duty on fruits, the earnest denunciations of the Committee on Ways and Means of the Treasury Department for not paying attention to the position of a comma, by which \$300,000 were refunded; but the Committee on Ways and Means have told the House nothing of the effect in favor of Phelps, Dodge & Co., not solely of looking out for a comma, but the deliberate taking of a comma from one part of a law, where it had been placed by Congress, and putting it in another place where there was none, by which quite four millions of revenue were lost to the Government annually during a period of eight years, and that in favor of the fraudulent importer. In verification of this, I send to the clerk a letter of the Secretary of the Treasury of July 22, 1864, and I beg him to read the portion between the brackets.

The Clerk read as follows:

Sir: Your letter of the 12th instant is received, requesting to be instructed in writing in relation to the proper construction of the language of the second paragraph on the ninth page of the printed tariff of June 30, 1864, viz: "On tin plates, and iron galvanized or coated with any metal by electric batteries, or otherwise, 2½ cents per pound."

It would appear that an error of punctuation has been made by some one; most probably by the clerk who engrossed that part of the act. If the comma which is inserted after the word "plates" be omitted, and a comma placed after the word "iron," the true sense will be had, which unquestionably is, that the tin plates, as well as the iron, must be galvanized or coated with any metal by electric batteries, or otherwise, in order to bring them within the provision.

Mr. BUTLER, of Massachusetts. And that construction remains even unto this day. For we find in the authorized tariff of the Treasury Department, published after the act of June 6, 1872, which took off 10 per cent. from the duties, the following remarkable announcement:

Tin plates, galvanized or coated with any metal otherwise than by electric batteries, 2½ cents per pound. Ordinary tin plates, or tins other than the above, 15 per cent. *ad valorem*.

And yet, with this vast fraud upon the revenue by this firm staring them in the face, if they had chosen to examine it, the Committee on Ways and Means have recommended the diminution of duty on tin plates, upon the petition of Phelps, Dodge & Co., to 1 cent per pound, and passed the bill through under suspension of the rules.

Mr. DAWES. No, sir; one cent and a quarter, against their protest.

Mr. BUTLER, of Massachusetts. Ah! One cent and a quarter. Which was against their protest, the one cent or the quarter cent?

Mr. DAWES. I gave you a fair answer, sir.

Mr. BUTLER, of Massachusetts. Certainly, sir. I suppose you would not give any other. What made you think you would?

Mr. DAWES. You did not treat it fairly. Ordinarily such an answer would be fairly treated.

Mr. BUTLER, of Massachusetts. Wait a moment. I will read the memorial sent to Congress on this subject:

To the honorable Finance Committee of the Senate and House of Representatives of the United States:

Your memorialists—merchants, importers, dealers, and workers of tin plates—respectfully request that you will consider the expediency and recommend to Congress the conversion of its present *ad valorem* duty on the import of tin plates into a corresponding and equivalent specific duty, as a measure calculated to simplify and increase the collection of customs revenue.

The importations of tin plates during the last two fiscal years were in value as follows:

| | |
|--------------------------------------|----------------|
| 1872.—Amount in value imported | \$19, 312, 428 |
| 1873.—Amount in value imported | 14, 993, 650 |
| Total value | 27, 306, 078 |

That with an *ad valorem* duty of 15 per cent. the accruing revenue would have amounted on this importation to \$4,095,761.70.

But the actual weight imported during the above two years was:

| | |
|---|-----------------------|
| 1872.—Gross weight, including boxes | Pounds. 209, 671, 640 |
| 1873.—Gross weight, including boxes | 214, 069, 374 |
| Total pounds | 423, 741, 014 |

which import, at a specific duty of one cent per pound gross weight, (or including the weight of the packages,) would have yielded a revenue of \$4,237,410.14. The difference in two years' revenue receipts, therefore, between the present *ad valorem* and the recommended specific rate of duty, would have been only \$141,648.44, or about \$70,000 per annum, and that \$70,000 in favor of the revenue.

Who do you suppose signed this memorial? The first signature is that of Phelps, Dodge & Co., of New York.

Mr. DAWES. But you said that we passed through here a bill making the duty one cent a pound, on their petition. Now look at the bill, and it will show that the duty as fixed by this House was one cent and a quarter per pound, which is an increase over the present tariff; and that is their complaint which they have carried to the other end of the Capitol.

Mr. BUTLER, of Massachusetts. And have got it down there, I believe, to one and one-tenth of a cent.

Mr. DAWES. No matter what they have got it down to there. Your charge was against the present Committee of Ways and Means.

Mr. BUTLER, of Massachusetts. They came here and asked for a duty of one cent per pound; and you put it upon tin plates, wooden boxes, iron packages, and all at one and a quarter. Is not that so?

Mr. DAWES. And does not that make more for them to pay?

Mr. BUTLER, of Massachusetts. Does it?

Mr. DAWES. Does it not make more to put the duty on the boxes as well as the tin?

Mr. BUTLER, of Massachusetts. No, sir. There is a specific duty now on the packages, which is not to be collected when you put on the duty by the pound. But however that may be, one cent. and a quarter per pound is not two cents and a half.

Mr. DAWES. Your charge was against the Committee on Ways and Means. Will you please stick to that?

Mr. BUTLER, of Massachusetts. No, sir; I have got through with them for the present.

Mr. DAWES. Because you are answered.

Mr. BUTLER, of Massachusetts. The facts between us are all before the country.

Mr. DAWES. You ought to leave your statements as they are then.

Mr. BUTLER, of Massachusetts. Now, having disposed of that difference of a quarter of a cent a pound between me and the learned chairman of the Committee on Ways and Means, [Mr. DAWES,] I find I must hasten on.

Such being the undeniable recorded facts in regard to Phelps, Dodge & Co., what was the special agent of the Treasury to believe when he found them charged with fraud, especially when false and double invoices were produced to him in December, 1872? Why, he could not but believe that these men were continuing to take all manner of unfair, fraudulent, and swindling advantages of the Government, and doubtless he examined their books with that belief. And what did he find? He found that they had a corresponding house in Liverpool, and that that house was engaged in consigning invoices of tin plates to the house of Phelps, Dodge & Co. in this country daily, and sometimes three or four invoices per day; that in every case those invoices were sworn to as a purchaser's invoice—that is, that the goods had been purchased in open market by the house of Phelps, James & Co., and that the prices annexed to the articles therein were the true and genuine prices paid for them. But he found that in the only kind of tin plates in which they could cheat—because the prices of the ordinary kind of tin plates were as staple as gold eagles would have been if imported by that firm—in every instance they had a double invoice from the manufacturer, and that those specially large sizes of tin were not purchased by Phelps, Dodge & Co. or Phelps, James & Co. in open market at all, but were manufactured for those firms, which are one and the same firm; and that in every instance, when they swore they had bought these articles in open market, they swore falsely, and knew it, because they knew the article was manufactured to order for their firm, and they should have sworn to the cost price of the manufactured article, which he found each time had been in the possession of the firm before the oath was made, and it was a higher cost than the invoice price to which they made oath. So that they and those whom they employed had been guilty of deliberate and corrupt perjury every day in the year and every year of our Lord for the five during which the law allowed the officer to look back. And he found the evidence of that in this: That every one of these custom-house invoices, of which they had duplicates in the books of the firm, had a thin paper copy of the true manufacturer's cost pasted over it, in order that the firm might know how to sell at a proper price the goods which they had undervalued so as to smuggle them by false invoices into the country.

Under these circumstances the special agent reported to the Secretary of the Treasury the facts. Mr. William E. Dodge employed four lawyers—Mr. Abram Wakeman, a former surveyor of the port of New York, and a learned lawyer in revenue law; Mr. Henry E. Knox, candidate for supreme judge of New York; Judge Fullerton, the foremost criminal lawyer in the city of New York; with a gentleman who had been Attorney-General of the United States, as consulting counsel; and those lawyers, after examining his case carefully for six weeks, advised him three times over to offer to pay the value of every falsified-invoice article; which falsified-invoice articles amounted to more than a quarter of a million dollars—\$271,000, to get released from these frauds, and Mr. William E. Dodge and his partners, after full consultation, agreed to that proposition, nay, ardently desired it, and made a written statement to the Secretary of the Treasury that on account of "certain irregularities" which had been found in their business they were willing to pay \$271,000 to compromise a suit which the district attorney in the mean time had, at their request, brought against them for a million dollars, or less than two-thirds of the whole amount of their tainted or fraudulent invoices. That suit was brought in that form at the request of the counsel of Dodge, after the compromise had been agreed upon, in order that when that compromise should be accepted it might cover every claim for penalties against Phelps, Dodge & Co.

When the letter offering to pay that great sum came to the Secretary of the Treasury, GEORGE S. BOUTWELL, he wrote back in substance—all of which will be found in the testimony—"I cannot accept this compromise. I will not be put in the position which that offer will put me, of being a blackmailer. Either you have committed fraud or you have not committed fraud. If you have not committed fraud, you should not pay the Government anything. I will consider the question of compromise, but I cannot compromise under your statement that you are guilty of irregularities only." Thereupon that offer was modified by Phelps, Dodge & Co., after consultation with their four eminent counsel, who advised their client to plead guilty to a

suit charging them with importing goods to a million dollars in value by false invoices and fraudulent appliances; and thereupon Phelps, Dodge & Co. sent an offer of compromise, admitting their guilt individually and collectively, and renewing their offer to pay the \$271,000; and while the Secretary of the Treasury was considering it they withdrew the offer.

Meantime the matter had got into the newspapers; the Christian Association, of which Mr. William E. Dodge was a burning and a shining light, began to inquire, What manner of man is this who makes long sermons by day and prayers by night in the temples while his partners in business are accumulating his profits by daily and hourly perjuries and frauds upon the Government? And William E. Dodge wrote, as the testimony shows, to GEORGE S. BOUTWELL, and said to him in substance, "I withdraw my offer of compromise." He expected the Secretary to answer to that, "I cannot permit the withdrawal, as the matter is closed." Then Dodge would doubtless have gone away and said, "The compromise was inadvertently made, and when I went to withdraw it the Secretary took a snap-judgment upon me." But the Secretary, with his usual straightforwardness, wrote in substance: "Very well; if you think you are not guilty withdraw your compromise and go to a jury." So the compromise was withdrawn. Thereupon Dodge consults again with his four lawyers; and after nearly two weeks' delay he renews the offer and the money is paid. In order to break his fall he says to the Secretary, "The Government officers think that I ought not to withdraw the compromise, they having once accepted it I am bound to carry it out." What was the manly and honorable and straightforward answer to that of the Secretary of the Treasury? It was, "Mr. Dodge, if your action in renewing the proposition has been influenced by this representation, you will have an opportunity to consider the subject anew and take such course as you may think proper before final action by this Department." Finding no subterfuge would avail, Mr. William E. Dodge, with his four lawyers behind him, after weeks of such consultation and such shifts and such attempts at evasion as I have described, deliberately put on file a written statement admitting that his firm were guilty of the charges in suit; that by these false and fraudulent invoices the revenue had been defrauded; and paid \$271,000 in expiation of that guilt.

The SPEAKER. The hour of the gentleman has expired.

Mr. BECK. There are a number of gentlemen who want to speak; I am pretty early on the list myself. I am perfectly willing that half of my time should be taken by the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. ELLIS H. ROBERTS. I want to have it understood whether this argument is to be all on one side, and all to be made by the gentleman from Massachusetts?

Mr. BUTLER, of Massachusetts. It is a great deal like the argument of the committee a few days ago; they had two days.

Mr. ELLIS H. ROBERTS. The gentleman from Massachusetts had been three times invited to be present and take part in the discussion. All I desire to know is whether or not other gentlemen are to succeed the gentleman from Massachusetts, or will members of the Committee on Ways and Means have an opportunity to be heard?

Cries of "Go on." "Go on."

Mr. BUTLER, of Massachusetts. I am in the hands of the House.

Mr. ELLIS H. ROBERTS. I do not object to the gentleman's going on. But I desire to have it understood that there are two gentlemen other than members of the Committee on Ways and Means who are to speak after the gentleman from Massachusetts gets through and before any member of the Committee on Ways and Means can be heard.

Mr. BUTLER, of Massachusetts. I do not care who speaks after me.

Mr. FOSTER. We want this matter understood. If those two gentlemen who have the floor after the gentleman from Massachusetts gets through are to speak an hour each that will make a great difference.

Mr. BUTLER, of Massachusetts. I do not know how long they will speak. But if you will allow me to go on, we are wasting good time here.

The SPEAKER. The gentleman from Massachusetts is not entitled to the floor any longer except by some arrangement that may be made. The rules of the House are specific that no gentleman shall speak more than one hour.

Mr. FOSTER. Who will follow the gentleman from Massachusetts?

The SPEAKER. There has been a list made out—

Mr. COBB, of Kansas. I move to suspend the rules in order that the time of the gentleman from Massachusetts may be extended.

The SPEAKER. The gentleman has not the floor for that purpose.

Mr. FOSTER. I want to have this thing understood.

Mr. BUTLER, of Massachusetts. I want it understood, too.

Mr. FOSTER. I do not object—

Mr. BUTLER, of Massachusetts. Why do not you keep quiet, then?

The SPEAKER. The Chair thinks that it would be only the ordinary fairness of debate that members of the Committee on Ways and Means should have the right to follow the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. I have no objection to that; I only wish they would not interrupt me now.

Mr. GARFIELD. I understand that the gentleman from Kentucky [Mr. BECK] has yielded the half of his hour to the gentleman from Massachusetts.

Mr. BECK. If I have an hour I will yield the half of it.

Mr. GARFIELD. If that is the case then I do not think there need be any trouble.

Mr. NIBLACK. The gentleman from Massachusetts was ill when this debate was going on. We all wanted to hear him then, and I hope he will be permitted to proceed now.

The SPEAKER. Is it understood that the gentleman from Massachusetts [Mr. BUTLER] has the floor indefinitely, or for only a specific time?

Mr. DAWES. I understand that the gentleman has half of the hour of the gentleman from Kentucky.

Mr. BUTLER, of Massachusetts. I have that much; I do not know how much more.

Mr. MAYNARD. Is there not some way to settle this matter by some motion?

Mr. BUTLER, of Massachusetts. I have eleven to one to speak against me; I do not care about this thing, however.

Mr. TOWNSEND. I believe that my name is next on the list on the Speaker's table. I am willing to give at least twenty minutes of my time to the gentleman from Massachusetts.

Mr. MAYNARD. I would ask the gentleman from Massachusetts how much more time he wants?

Mr. BUTLER, of Massachusetts. Not much more; but I do not want to feel cramped for time.

Mr. MAYNARD. Then I move to suspend the rules so that the gentleman from Massachusetts may have another hour.

Mr. FOSTER. There is no need of making that motion.

Mr. FORT. I hope the motion will be put.

The motion to suspend the rules was seconded; and (two-thirds voting in favor thereof) the rules were suspended.

[The announcement of the result was greeted by applause on the floor and in the galleries.]

The SPEAKER. It is a gross infraction of the rules of the House and of decency for the galleries to manifest approbation or disapprobation of any action of members of this House. And the Chair will put in active effect his power to clear the galleries if this is repeated. The slightest manifestation of applause or disapprobation will cause the galleries to be cleared.

Mr. BUTLER, of Massachusetts. Phelps, Dodge & Co. paid the \$271,000 in expiation of that guilt. And yet we are told "all merchants are honest," and Phelps, Dodge & Co. are the very princes of merchants. Nay, Mr. William E. Dodge claims he comes here before your committee, as I understand, as president of the Chamber of Commerce of the city of New York, as the exemplar of the merchant, as a dealer in hardware ties up his goods and puts a specimen pair of shears on the outside, so that we may know the quality of the cutting instruments inside without opening the package.

To show you that I cannot be mistaken in this matter, I have caused to be prepared and will send to the Clerk to be read a table showing how frauds on the revenue have grown up and how necessary these penalties are to their detection and punishment. It appears that in 1792 the whole amount of forfeitures, fines, and penalties derived from the frauds of the merchants of that period was \$118; in 1797, \$220; in 1798, \$8; and in 1873, it was \$1,261,175.

The Clerk read as follows:

Statement of the annual receipts from customs, and from fines, penalties, and forfeitures, from March 4, 1789, to June 30, 1873.

| Years. | Customs. | Fines, penalties, and forfeitures. | Percentage. |
|----------------|----------------|------------------------------------|-------------|
| 1791 | \$4,399,473 09 | \$311 00 | ..... |
| 1792 | 3,443,070 85 | 118 00 | ..... |
| 1793 | 4,255,306 56 | ..... | ..... |
| 1794 | 4,801,065 28 | ..... | ..... |
| 1795 | 5,588,461 26 | ..... | ..... |
| 1796 | 6,567,987 94 | ..... | ..... |
| 1797 | 7,549,649 65 | 220 00 | ..... |
| 1798 | 7,106,061 93 | 8 00 | ..... |
| 1799 | 6,610,449 31 | 16,421 81 | .024 |
| 1800 | 9,080,932 73 | 14,019 84 | .015 |
| By decade..... | 59,402,458 60 | 31,098 65 | .0052 |
| 1801 | 10,750,778 93 | 2,492 54 | .0023 |
| 1802 | 12,438,235 74 | 1,971 96 | .0016 |
| 1803 | 10,479,417 61 | 1,039 00 | .001 |
| 1804 | 11,098,565 33 | 2,504 44 | .0021 |
| 1805 | 12,936,487 04 | 1,359 17 | .001 |
| 1806 | 14,067,698 17 | 363 14 | ..... |
| 1807 | 15,845,521 61 | 1,764 77 | .0011 |
| 1808 | 16,363,550 58 | 4,972 00 | .003 |
| 1809 | 7,257,506 62 | 176 00 | ..... |
| 1810 | 8,583,309 31 | 748 80 | .00087 |
| By decade..... | 120,421,070 94 | 17,391 82 | .0014 |
| 1811 | 13,313,222 73 | 11,125 24 | .00083 |
| 1812 | 8,958,777 53 | 1,190 00 | .0013 |
| 1813 | 13,224,623 25 | 2,256 21 | .0017 |
| 1814 | 5,998,772 08 | 2,536 13 | .0042 |
| 1815 | 7,282,942 22 | ..... | ..... |

Statement of the annual receipts from customs, &c.—Continued.

| Years. | Customs. | Fines, penalties, and forfeitures. | Percentage. |
|----------------------|------------------|------------------------------------|-------------|
| 1816 | \$36,306,874 88 | \$2,085 00 | .00054 |
| 1817 | 26,283,348 49 | 5 25 | ..... |
| 1818 | 17,176,385 00 | 577 60 | .00033 |
| 1819 | 20,283,608 76 | 2,130 89 | .001 |
| 1820 | 15,005,612 15 | 105 97 | ..... |
| By decade..... | 163,834,167 09 | 22,002 29 | .0013 |
| 1821 | 13,004,447 15 | ..... | ..... |
| 1822 | 17,589,761 94 | 173 72 | ..... |
| 1823 | 19,088,433 44 | 10 00 | ..... |
| 1824 | 17,878,325 71 | ..... | ..... |
| 1825 | 20,098,713 45 | 3,411 06 | .0015 |
| 1826 | 23,341,331 77 | 1,382 44 | .0006 |
| 1827 | 19,712,283 29 | 157 45 | ..... |
| 1828 | 23,205,523 64 | 1,339 41 | .00057 |
| 1829 | 22,681,965 91 | 2,704 32 | .0012 |
| 1830 | 21,922,391 39 | 359 21 | ..... |
| By decade..... | 198,523,177 69 | 9,537 61 | .00047 |
| 1831 | 24,924,441 77 | 4,995 37 | .002 |
| 1832 | 28,465,237 24 | 8,868 04 | .0031 |
| 1833 | 29,032,508 91 | 2,889 84 | .00099 |
| 1834 | 16,214,957 15 | 2,464 00 | .0015 |
| 1835 | 19,391,310 59 | 2,156 76 | .0011 |
| 1836 | 23,409,940 53 | 3,390 05 | .0014 |
| 1837 | 11,169,290 39 | 993 56 | .00089 |
| 1838 | 16,158,800 36 | 1,366 14 | .00084 |
| 1839 | 23,137,924 81 | 2,976 18 | .0013 |
| 1840 | 13,499,592 17 | 5,316 76 | .0039 |
| By decade..... | 204,703,913 92 | 35,416 70 | .0017 |
| 1841 | 14,487,216 74 | 6,681 41 | .0046 |
| 1842 | 18,187,908 76 | 1,592 44 | .00087 |
| 1843 | 7,046,843 91 | 288 99 | .00041 |
| 1844 | 26,183,570 94 | 9,180 99 | .0035 |
| 1845 | 27,528,112 70 | 145 54 | ..... |
| 1846 | 26,712,667 87 | 2,049 13 | .00076 |
| 1847 | 23,747,864 66 | 13,318 65 | .0056 |
| 1848 | 31,757,070 96 | 6,510 92 | .002 |
| 1849 | 28,346,738 82 | 11,155 97 | .0039 |
| 1850 | 39,668,686 42 | 9,224 46 | .0023 |
| By decade..... | 243,666,681 78 | 60,148 50 | .0024 |
| 1851 | 49,017,567 92 | 10,776 93 | .0022 |
| 1852 | 47,339,326 62 | 13,049 71 | .0027 |
| 1853 | 58,931,865 52 | 5,441 09 | .00092 |
| 1854 | 64,224,190 27 | 5,702 54 | .00088 |
| 1855 | 53,025,794 21 | 33,645 53 | .0063 |
| 1856 | 64,022,863 59 | 19,346 95 | .003 |
| 1857 | 63,875,905 05 | 9,169 39 | .0014 |
| 1858 | 41,789,620 96 | 26,432 90 | .0065 |
| 1859 | 49,565,824 38 | 19,468 67 | .0039 |
| 1860 | 53,187,511 87 | 34,305 69 | .0064 |
| By decade..... | 544,980,470 30 | 177,339 40 | .0032 |
| 1861 | 39,582,125 64 | 15,389 77 | .0038 |
| 1862 | 49,056,397 62 | 17,963 76 | .0036 |
| 1863 | 69,059,642 40 | 139,174 05 | .02 |
| 1864 | 102,316,152 99 | 446,265 22 | .043 |
| 1865 | 84,928,260 60 | 413,713 97 | .049 |
| 1866 | 179,046,651 58 | 534,227 34 | .029 |
| 1867 | 176,417,810 88 | 455,908 13 | .026 |
| 1868 | 164,464,599 56 | 818,054 83 | .05 |
| 1869 | 180,048,426 63 | 803,045 08 | .045 |
| 1870 | 194,538,374 44 | 576,238 22 | .03 |
| By decade..... | 1,239,458,442 34 | 4,219,980 37 | .035 |
| 1871 | 206,270,408 05 | 1,028,416 67 | .049 |
| 1872 | 216,370,286 77 | 722,284 76 | .033 |
| 1873 | 188,089,522 70 | 1,261,175 51 | .067 |
| For three years..... | 610,730,217 52 | 3,011,876 43 | .049 |
| Total..... | 3,385,720,600 18 | 7,584,791 77 | .022 |

NOTE.—The percentage column shows the fractional part of 1 per cent. of the amount received from fines, penalties, and forfeitures on the whole amount of customs. In the years omitted the percentage is so small as to be insignificant.

Mr. BUTLER, of Massachusetts. Is anything more needed to prove that the dishonest importer, with his false invoices, his branch on the other side to undervalue his goods, his false appliances to deceive the customs officers, has quite driven the honest merchants out of the business and left it in hands such as these?

Men of the House of Representatives, it is to shield such as these that we have voted to take off the penalties imposed upon defrauders of the revenue by false invoices and smuggling importers! Let me not be misunderstood. This experiment must be tried before the people will understand how greatly they are defrauded and wronged. I do not oppose its trial. If I had intended to have done so I should have begun my opposition earlier. The result will be that you will find a great diminution of your revenues in the coming year. You will be called upon to pass laws to raise more revenue at the next session; and I have no doubt that the committee will recommend to put the tax on tea and coffee and on friction-matches, and the com-

forts and necessities of the people. Instead of that, if I am here, I shall ask you so to adjust the penalties for defrauding the revenue, and make them so stringent, and so sustain and reward the officers who fearlessly do their duty, that upon the silks, the worsted stuffs, the laces, the satins, the jewels and the velvets, and the plate-glass, and the luxuries of the rich, such tariff may be honestly collected as will pay the expenses of the administration of your Government from the coffers of your Treasury.

I might well stop here, but there is another branch of the system of collecting Government dues by giving moiety which naturally ranges itself alongside the customs moiety. The practice of the Treasury Department for many years, without the sanction of law, until the 8th of May, 1872, of collecting delinquent taxes and old claims and debts due the United States, that had passed out of the usual channels of administration for years, was by giving a contract for moiety to the informer or collector. One of the earlier Secretaries who found the necessity of it was Mr. Guthrie, of Kentucky, and it began with his administration of the Department. It has been continued by every Secretary thereof downward until Mr. BOUTWELL came into office, who wholly refused to give out such contracts until they were sanctioned by law. Congress passed such law in 1872, and under it several contracts were made which proved fruitless. Finally a contract was given to Mr. John D. Sanborn, under which, in nine months, he collected \$427,000 of delinquent and withheld taxes, and received one-half, he paying all the expenses.

These delinquent taxes arose in this way: There was a tax upon estates of deceased persons, but the law was repealed in 1870. Another class of these delinquent taxes were taxes upon dividends by railroads and other large corporations. The law for these also was repealed at the same time. There was another tax upon incomes of men who had large revenue and had neglected or refused to return them and pay the tax as was their duty by law to do, and the law for that tax had been also repealed. The law establishing the office of assessor had also been repealed, and as the collector's duty had been only to collect the list of the taxes given him by the assessor, and as indeed it was in doubt whether the taxes could be collected at all without they were assessed, it will be seen that the whole of these classes of taxes were in danger of being wholly lost to the Government. So that the collection of these delinquent and past taxes had run down to substantially a nominal sum in comparison with their great amount, and this, too, without any special fault of the internal-revenue officers. Their collection could not be enforced without suits, and no revenue officer was authorized to incur that expense on behalf of the Government.

The amount of these taxes thus behind, and that had been behind for three or four years at the time Sanborn undertook his contract, is simply enormous. Sanborn testifies that he had knowledge of some five millions of income and other taxes due from property-owners in Europe, to get the data of which he had spent a large sum of money. I have in my hand—which I will make a part of the record—a list of taxes due from railroad companies still uncollected, the evidence of which has been fully investigated, but which the party giving me this list does not wish to disclose since the report of the committee repealing the law, because he says the knowledge has cost him money, labor, and time, and he does not choose to give it to the United States. I may say, however, that this person is not Mr. Sanborn; but I have no doubt of its entire accuracy.

Amounts of withheld taxes due from railroad companies.

| | |
|------------------|----------------|
| One company..... | \$16,569 91 |
| Do..... | 25,413 82 |
| Do..... | 10,712 57 |
| Do..... | 10,118 91 |
| Do..... | 9,384 93 |
| Do..... | 40,727 40 |
| Do..... | 6,584 80 |
| Do..... | 6,584 80 |
| Do..... | 60,503 41 |
| Do..... | 54,476 00 |
| Do..... | 49,052 00 |
| Do..... | 25,632 50 |
| Do..... | 173,454 00 |
| Do..... | 38,135 34 |
| Do..... | 250,000 00 |
| Do..... | 325,000 00 |
| Do..... | 475,000 00 |
| Do..... | 125,000 00 |
| Do..... | 450,000 00 |
| Total..... | \$2,147,965 59 |

And these are but a small part of the sums behind, which are justly due the United States, and are of the same kind of taxes which honest men have been obliged to pay. Now the question is, whether it was well by moiety to collect these many millions of dollars which are owed to the United States by the dishonest men who have evaded and escaped, either those who have received legacies left by rich relatives or by corporations which have not made returns of their dividends or surplus profits, or by men who have received incomes in this country and have refused to make the returns thereof to the tax-gatherer; or shall we allow these vast sums to remain uncollected and the Government to be defrauded of them, or give a portion, and a large portion perhaps, to somebody who will bear the expense, give the labor, and bear the odium of enforcing their payment?

Sanborn was going on in good faith, as he testifies, having expended

the principal part of the very large sum of money which he received as moiety, the money which he did collect in gathering up information by which these debts to the Government might be collected; and he would have collected some millions if he had been allowed to pursue his investigations under the contract.

The Committee on Ways and Means have taken some three hundred pages of testimony; have examined everybody in every possible form, and they have failed to find any illegal act done by Sanborn in collecting these taxes, or that he ever attempted to collect any tax that was not due, or return any to any one of the revenue officers who offered to assist him that was not due, or that he failed to return to the Treasury any moneys collected. At least the report of the committee does not show the contrary. It is objected against him by the committee, among other things, that he put in a large number of railroads in his contract as defaulters when he had not examined the books of all of them. But he testifies that he had examined a hundred and fifty of them by himself and his agents, and he found every one of them delinquent in taxes to the United States, and he assumed that the others were in like condition. At least he thought it safe to swear that he believed they were, which was all that the law required when he made his affidavit to the Treasury Department.

Mr. Sanborn collected from the Delaware and Lackawanna Railroad Company the large delinquent tax, of years standing, of \$99,685.24; and the Committee on Ways and Means gravely report collusion with somebody in the Treasury in order to do that, because the very day after the check from the railroad company officer was sent Mr. Sanborn wrote to the Treasury that the check had been sent, and gave the number of the check. Now, your committee ask, how could Mr. Sanborn have known that unless he had been in collusion with somebody in the Treasury, because Mr. Odell, the treasurer of the railroad, swears nobody knew the amount of that check but the president of the road, himself, and his clerk. What a wise and penetrating committee; as only three persons knew of the check, and therefore a fourth person must have told about it!

Now it so happens, as I am informed, that this very clerk was the very man who gave Sanborn the information as to the delinquency of this railroad in its taxes, and the man, of course, who told him of the check which he as clerk had written. Any one who examines the testimony will come to the conclusion that this great amount never would have been collected, some of it having been for nearly four years overdue, if it had not been for the moiety system under which Sanborn was operating.

But there is one very curious fact about this delinquent tax of this railroad of nearly \$100,000, which shows how the fraud runs in a line through some men. It is said, "If you scratch a Russian you will find a Tartar underneath;" and it so happens if you scratch one of the firm of Phelps, Dodge & Co., you will always find a defrauder of the revenue, for it turns out that the chairman of the finance committee of this railroad which was delinquent in this \$100,000 tax was Mr. William E. Dodge, of the firm of Phelps, Dodge & Co., the "Christian gentleman" and the "honest merchant," whose firm imports as American works of art leaden statues of the Goddess of Liberty, even at the risk of having her nose bruised when she is thrown into the melting-pot to come out as lead pipe.

But it is not my purpose at this hour of the evening, nor would it be of advantage, to go into examination of this system of collection of delinquent taxes. It has been long in practice; it has commended itself to administrative officers heretofore; it has its uses; it has its defects and disadvantages; and although some four to six millions, which in my belief never will be got without it, might have been got under it, yet as the House has chosen to repeal it, and as it only deals with past debts and delinquent taxes, it passes out of the line of my duty as a legislator, especially as the whole internal revenues in the future do not depend in any degree upon it, as do our customs revenues upon the other part of the moiety system. It is well enough to try the experiment of repealing this law and finding out whether the Commissioner of Internal Revenue can make the collections. Nor is it my duty or purpose to defend Mr. Sanborn, whether he did well or ill. That is his affair. I did not promote his getting the contract. I had nothing to do with its fulfillment by him. If the law is an unwise one let it be repealed, and in that I have neither more nor less interest or wish than every other member of this House. But I take leave to say that it is not brave nor manly in those gentlemen who passed the law to make scape-goats of the officers who execute the law they passed.

The Committee on Ways and Means have spent several months and a large amount of money in seeming examination of the question of the propriety of the law, and if that time and money were spent in good faith to ascertain whether the law of May 8, 1872, giving the moiety contracts to those who should collect old debts ought to be repealed, it may have been well spent. If on the contrary this apparent purpose of investigation has only been to cloak another and a different one, carried on for political and personal purposes only, then the committee and the House may find that they have been made in this matter simply instruments to pander to the rivalries, hates, and ambitions of politicians, instead of carrying on a great work of necessary legislation.

I have some evidence showing that the whole Sanborn contract investigation was gotten up not exactly for those objects and those de-

signs which wise legislators and grave statesmen would willingly avow.

The first the country heard anything about these Sanborn contracts was that Mr. Sanborn was being indicted in Brooklyn by the district attorney of that district, one Tenney, about the 1st of February last. As soon as that was done and duly trumpeted in the opposition newspapers, Mr. Tenney, an office-holder under a republican administration and claiming to be a republican himself, sent his assistant district attorney here to one of the Committee on Ways and Means, a leading democratic member of the House, to have him bring the Sanborn-contract matter "to the front," Tenney having furnished him with the Brooklyn democratic papers which gave flaming and laudatory accounts of Mr. Tenney's able endeavors, as they termed it, to ferret out a great fraud on the Government. One item of evidence that I have of this fact is a letter of direction to his assistant, written by Tenney to his assistant, which I send to the Clerk to be read.

The Clerk read as follows:

LAW OFFICES OF TENNEY & HOLT,
178 Broadway, New York, February 6, 1874.

FRIEND HUGHES: Do not fail to see Hon. JAMES B. BECK. He is a democratic member from Kentucky. He is member also of the Committee on Ways and Means. I have to-day sent him Union and Eagle. He is a powerful member of the democratic party, and will bring this Sanborn matter to the front. I think no news specially.

Yours, &c.,

TENNEY.

Mr. BUTLER, of Massachusetts. Now, if republican office-holders will put ammunition into the hands of democratic members on the Committee on Ways and Means with which to attack and break down the republican Administration, far be it from me to say one word in animadversion upon the conduct of that democratic member of the House who should make the best use he can of that information for that object. He should "bring it to the front," and charge upon the Administration, and attempt to show its great corruption and wrong-doings. He ought, if he is permitted so to do, to drive out of office its Secretary of the Treasury and its Assistant Secretary of the Treasury and its Solicitor of the Treasury, and show that they were all corrupt together and bad men. He should make violent and denunciatory speeches against the Administration, founded on the material that republican officers and a republican committee of the House will furnish him for that use. He does his duty, his full duty, in so doing as an opposition member of the House, and I applaud him for his ingenuity, his boldness, efficiency, and perseverance; and I congratulate him upon the result. It is not often that a republican committee of a republican House force a republican administration to allow a democratic member to carry off at his belt the scalps of three of its principal officers, including its Secretary of the Treasury, to gratify the ambition of one of its district attorneys, who wants to run for Congress on the opposition ticket, and has already driven his republican opponent from the track.

But what shall we say of a republican majority of a Committee on Ways and Means who shall allow themselves to be made the tools of an opposition member, to find him ammunition with which to wound, if not kill, their own Administration, if the only inducement to what they did was being blindly led by the superior williness of their democratic associate? But was that the mainspring of action on the part of all the republican members of the committee? Fourteen days after, to wit, the 20th of February, a letter was sent by the gentleman from Ohio, who reported the abrogation of the Sanborn contracts from the Committee on Ways and Means, to Supervisor Harmon, of Brooklyn, New York, the substance of which was sent to me under the heading "Copy of a letter picked up in the streets of Brooklyn, New York," which is as follows:

As a member of the Committee on Ways and Means he [FOSTER] had discovered the existence of the Sanborn contracts. At the same time he learned that indictments had been found in Brooklyn; that he prepared and offered the resolution calling on the Secretary for information; that he offered the resolution and General BUTLER objected to it. After this BUTLER came to him and asked him to offer the resolution again before the following Monday, expecting BUTLER to make a speech on it. In the meanwhile he [FOSTER] and General WOODFORD had agreed to reply to such speech if made and attack BUTLER; but General BUTLER withdrew his objection and said he hoped the House would pass the resolution, which surprised him and WOODFORD, especially himself, "as he had prepared himself to rap old Cock-eye."

Here you have the substance of a genuine letter which the gentleman from Ohio will not deny, especially the last phrase, because I told him one day that whatever he might say of me behind my back I wished he would not write of me that way, and I do not believe he will again.

Now, what could the gentleman from Ohio desire to "rap old Cock-eye" for? What had he done to the gentleman from Ohio? Had he ever interfered with him? Had he ever said an unkind word to him, or of or concerning him? I aver, from an intimate knowledge of that unfortunate individual with the defect in his eye, so delicately alluded to, that he had never entertained for that gentleman any but the kindest feeling. What personal grief he had, alas! I know not. From the time I got that letter I was utterly puzzled to know my imputed offense; but I got certain information, Mr. Speaker, afterward, embodied in the sworn testimony voluntarily sent me by the affiant, which the Clerk will read.

The Clerk read as follows:

CITY OF WASHINGTON, District of Columbia:

WARWICK MARTIN, of the city of New York, being first duly sworn, on oath deposes and says:

Being acquainted with some of the claims embraced in the so-called Sanborn contracts, I, after the investigation commenced in the Committee on Ways and Means, addressed Hon. HENRY L. DAWES and Hon. FERNANDO WOOD, of said committee, requesting to be summoned to testify in said case. I was not summoned; but having business in Washington, I came here on the 9th of April, 1874, and concluded to appear before said committee and testify, if permitted so to do. I stopped at the Ebbitt House, and there saw Mr. DAWES and informed him of my wish to appear before the committee. He said I should be permitted to so testify. Afterward on the same day, at the committee-room, Mr. DAWES notified me to be present in said room on the following morning at ten o'clock. I was in said room promptly at the time named. On my arrival at said room only one gentleman of the committee was present, whom I learned to be Hon. CHARLES FOSTER. Another gentleman whom I did not know, but who I supposed was a member of the committee, came into said room soon after my arrival, and he and Mr. FOSTER commenced conversation.

Mr. FOSTER said to him, in language which I distinctly heard, that his object with which he commenced this investigation, or one object, was to find something against BEN. BUTLER; that said BUTLER had written a letter to his district to defeat his election, and he wished to get even with him, or words to that effect.

On the following day, the 11th of April, Mr. FOSTER came up and spoke to me at the Ebbitt House, where we were both stopping. He and I had a short conversation, during which the name of General BUTLER was mentioned, I having, as I now remember, stated that the committee seemed to be investigating General BUTLER instead of the law of May 8, 1872, and the contracts thereunder. Mr. FOSTER stated in reply, "Damn BUTLER; he ought to be investigated; all the men connected with these contracts are BUTLER's friends, and you are his friend also, and saw him last night, and told him what I said in the committee-room yesterday about him," or words to that effect. I then stated to Mr. FOSTER that he was mistaken; that I had never enjoyed the pleasure of an introduction to, or an acquaintance with, General BUTLER; that I had not seen him on the evening named, or at any other time, to converse with him. I add that this is true still. I have never been unfriendly to General BUTLER, but have admired him for many things, and especially for the fact that he has always been in favor of compelling wealthy men, capitalists, and corporations to pay what they owe the Government, instead of taxing the poor, the industrious, and the honest farmers, mechanics, and laboring men to make good the deficiencies of the rich.

I so stated to Mr. FOSTER, and added that I thought this one question was all there was in the so-called Sanborn case.

WARWICK MARTIN.

Sworn to and subscribed before me this 20th day of May, A. D. 1874.

[SEAL.]

H. W. BRELSFORD,
Notary Public, District of Columbia.

Mr. FOSTER. In so far as that affidavit makes the charge that I wanted to investigate General BUTLER, I pronounce it here and now an unequivocal falsehood. The party who makes it I know is perfectly characterless, and the gentleman from Massachusetts ought to know that, too. He is the man, as the gentleman from Massachusetts knows, who attempted to blackmail his friend Sanborn out of several thousand dollars.

Mr. BUTLER, of Massachusetts. I never knew Mr. Martin; I never saw him. I never boarded with him at the Ebbitt House, and he never was in my confidence.

Mr. FOSTER. He came to us in order to get more money out of Mr. Sanborn.

Mr. BUTLER, of Massachusetts. Now, I want to deny here most positively that I ever interfered in the gentleman's district in Ohio in my life. Indeed, I do not know where exactly his district is, save that it is somewhere in that great State. I take shame to myself that I do not know it. I ought to have known it. I know something about it now and its Representative; but that has nothing to do with the present question, because I aver, again and again, that I never did send out there to interfere with the gentleman from Ohio, and if he had called upon me he would have learned that I never did; and if he has any evidence that I ever sent out to his district in any way, prior to the time that he wrote that letter to Brooklyn, let him now produce and declare it. I wait for it. Being so thoroughly convinced that I had never given him any cause for complaint, I have no complaint to make or unkind word for him. He has been acting under entire misapprehension of fact and with a belief that I had done him a wrong. When he learns as he now does his mistake, his own sense of justice will correct it.

I could not believe even the affidavit until I turned to this very voluminous report, containing, with the testimony, three hundred and twenty-two pages, and upon examination found no allusion whatever to my humble self or eyes in the report of the committee upon the Sanborn contracts by any designation whatever; so that I am sure it turned out that I had nothing to do with them whatever, because the gentleman from Ohio in the examination of witnesses alluded to me in various forms of questions thirty-three times, and each time he got the answer that the witness did not know that I did anything, or knew anything, or said anything on the subject of the Sanborn contracts. Still, every time he alluded to me the New York Tribune published a statement that General BUTLER's name appeared everywhere in the investigation; and this statement was copied each day into all the Boston papers which are under the control of some of my colleagues from Massachusetts, who were endeavoring to convince the people that I was engaged in the affair. Nay, my colleagues' newspapers were so put to it for evidence of the fact that they declared that Sanborn's lawyer, Mr. Prescott, was my private secretary and henchman, whatever that may be, and cited as proof that he had his office with me, when I am told that he once had an office in a four-story building where I have mine, with some twenty other tenants. Let me say that I never saw Prescott three times in my life, and did not know him by sight till he was sent for as a witness. Besides that, when the

gentleman made his speech he alluded to me twenty-eight times, making sixty-one in all; and then, after his sixty-one questions and personal allusions in the examination and in the speech, the editor of the Tribune thought that my "coat-tails" could be seen in the affair. And this is the kind of attack to which men in public life are exposed from investigations when somebody wants to get even with them.

Now, I have no objection to being investigated by anybody and everybody, friends or enemies; for the more the latter investigate me the worse they will like me. But I do object to the public money being spent for that purpose under the direction of the Committee on Ways and Means when they ought to have been perfecting a finance measure, so that the two-thirds republican majority of this House should not now hang their heads with shame that this Congress has to go home after more than six months' session and no comprehensive financial or revenue measure perfected and passed, or any ever come from that committee on which the House may pass. But, on the contrary, they have been engaged in vilifying the Administration, rapping "old Cock-eye," and getting even with him, even to examining into his private affairs, the fees he received from private persons, and his personal acts to the number of thirty-three questions. And thus having learned how unjust and improper it is for anybody even, anywhere, to examine into another's private affairs, the committee reported a bill that a man's books and papers ought not to be used or his private affairs inquired into without an order of a court upon a complaint under oath. Why was not this committee legislating about the drooping business and unemployed labor of the country and trying to find a remedy for that?

How will they answer to their constituents, nay, how will this committee answer to the country, that they frittered away their time in this pursuit of personal revenge, and have done nothing with either finance or revenue except to pass two bills; one of which, if you look back at the tables I have presented, cuts off \$1,200,000 of money paid into the Treasury last year, and the other the best-informed man upon the subject swears will prevent the collection of at least four millions of taxes more, all of which should come from those who have tried and are trying to cheat the United States?

Is it wonderful that the interests of the republican party and the interests of the country have been neglected while the Committee on Ways and Means, under the leadership of the gentleman from Kentucky, endeavors to break down the Administration, as he had a right to do, and under the lead of the gentleman from Ohio, mistakenly thinking he had a private grievance against me to assuage, have frittered the time of Congress away for more than six months in striking at one of their fellow-members who had not injured them, and against whom, although pursued with the hate of hell, they found nothing and reported nothing after six months of investigation. No, thank God; as usual, "old Cock-eye escaped without a rap."

I do not desire the House or the country to blame either of the gentlemen of the Committee on Ways and Means too much in this matter, because there were those in this House who were egging them on, advising them to do it. Nay, there were those of my colleagues from Massachusetts who, in order to strike at me, were willing to strike down the republican party. The speech of the gentleman from Kentucky against the Administration, founded upon "bringing the Sanborn matter to the front," a very able, bitter, denunciatory arraignment of that Administration, put with all the power he could, and quite worthy of the successor of Clay in the Louisville district, was launched at our party like a thunderbolt. I expected and supposed, and the House expected, that his democratic associates would circulate it everywhere to break down the republican party, even at the cost of paying the postage on the distribution.

But what shall we say of republican Representatives who subscribed for and circulated such a speech by the thousand—a speech of the leading orator of the other side by the thousand? Why, Mr. Speaker, the State of Massachusetts has more of the Kentucky speeches circulated in it by one of my colleagues than of any republican speech made in this House during the present session. And why? Having circulated everywhere through their lying newspapers that I was connected with the Sanborn contract, it was thought by some of my colleagues that the arraignment of the gentleman from Kentucky of the Administration would be an indirect "rap at old Cock-eye;" and as my enemies either could not or dare not make any speech against that long-suffering individual themselves, they chose to send out this attack upon their Administration, thus to belittle their Secretary of the Treasury from their own State, to be the means of circulating the charges of corruption against their party, in order to get an indirect "rap" at one of their colleagues.

Now, I call upon the gentleman from Ohio to deny, if he can, that more than one of my colleagues have been to him to give him information about me and to have questions put about me, and to advise with him as to the course that might be taken in his committee to investigate me. Sir, was that so or not? Will the gentleman answer upon his honor?

Mr. FOSTER. Do you wish an answer now?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. FOSTER. I have to say that I have had no consultation with any gentleman from Massachusetts in relation to the Sanborn investigation; none of them have aided or advised me in any way in the prosecution of this investigation.

Mr. BUTLER, of Massachusetts. I am glad to hear it.

Mr. FOSTER. Or in the investigation of the matter at all.

Mr. BUTLER, of Massachusetts. Only about other things?

Mr. FOSTER. No; about nothing else.

Mr. BUTLER, of Massachusetts. Whenever I want a witness to tell what is not true I shall not send for my friend from Ohio.

Mr. FOSTER. What do you mean by that?

Mr. BUTLER, of Massachusetts. I mean that you tell the truth exactly.

Does the House wonder now that almost the only man who was found to object to my addressing the House at this hour was one of my colleagues from Massachusetts?

Mr. Speaker, I have done my duty to this matter. I have shown by such evidence as has come to me, and by the facts, what was the ground-work, in fact, of this investigation and this cry raised against the republican party because of the Sanborn contracts. There is not a man within the sound of my voice that now does not understand it.

Mr. Speaker, more than one-half at least of all the investigations carried on in Congress are for the purpose of striking down some rival, or injuring some enemy, or injuring some administrative officer, or gaining some party end, not for the purpose of aiding legislation. This business of investigation is carried too far. I can speak plainly in the face of the country; for myself I defy investigation. For fourteen years, since the commencement of my public life, I have lived under the focus of a microscope, magnifying and distorting every action of mine a million times, except, perchance, it was a good one, which it blurred and covered altogether. Living under such inspection, therefore, whether I would or no, I must lead an honest and upright life, or some man would in all these years have got a "rap at old Cock-eye," and I propose to take very good care of him now and ever. I desire investigation. I look forward to the time when the majority of this House will be opposed in politics to mine; and then I ask them to investigate every act of mine and publish its results to the country. I invoke the investigation of a gentlemanly political opposition, and not of a malignant personal spleen and spite, egged on by political rivalry; because I humbly trust that when my every act is known and understood authoritatively and exactly in its breadth and in its motives the kindly judgment of my countrymen will be, after all rivalry and unkindness of thought has passed away, "He was a man whose virtues overbalanced his faults, who loved his country, his kind, justice, and nobleness."

Mr. FOSTER. Let us pray.

Mr. BUTLER, of Massachusetts. Yes; but spell it with an "e."

Mr. ELLIS H. ROBERTS. Mr. Speaker, after laws are passed it is not usual to discuss them. It has remained for the gentleman from Massachusetts [Mr. BUTLER] to wait until both Houses of Congress have acted upon the bill which he assails to come in and make his argument against it. It is not because he was not invited that he did not appear upon the discussion of the moiety bill; it was not because he did not have the opportunity to appear that he did not discuss the Sanborn contracts, when the bill in relation to those contracts was pending in the House. It fell to me to have charge of the bill to amend the customs laws and to repeal moiety, and three times, Mr. Speaker, as you personally know, the consideration of that bill was postponed to enable the gentleman from Massachusetts to appear and be heard upon it. He states that it was understood by the country that he was ill when the bill was passed. The ante-room at my back resounded with the stories he was telling and the arguments he was making there against the bill. Not here before Congress, not here before the country, but back there in the cloak-room he chose to come and make his arguments. Sir, I do not object to his arguments now or at any time, here or elsewhere.

EXPERIENCE AND AUTHORITY.

He chose to refer to the British revenue system. He tells you that we referred in our discussion to the British revenue system as justifying the bill which Congress passed with entire unanimity in this House, and with but three dissenting votes in the other House, and upon the conference report without one dissenting voice in either House.

But the British system, Mr. Speaker, is not our only authority, and yet we might rely upon it. The gentleman chose to say that our tariff was complex. It is; but our internal-revenue system is complex now, and was much more complex when Congress with great unanimity repealed the moiety system with reference to the internal revenue. Our internal-revenue system justifies that act of Congress as British experience justifies the policy which we have adopted. More than that. It has received the approval of the republican party in great States, for republican members of this House will bear in mind that in the platform of the republican party of Indiana adopted only two or three days ago there is a declaration commendatory of the abolition of moiety and the abolition of the Sanborn contracts.

But the gentleman from Massachusetts tells you that the moiety system has been sustained by every Administration since the foundation of the Government. It is true that it is an old system. In olden times it was customary to hang a man who stole a sheep. It was not found by experience that that was a wise provision of law, nor has it been found wise to maintain a like barbarism upon our statute-books in any regard.

But, Mr. Speaker, we have authority, if it is authority which the gentleman from Massachusetts pleads, for the action which Congress

has taken. The gentleman has chosen to say that past Administrations have sustained the moiety system. This Administration has demanded its repeal. In the first message of President Grant in 1869 he expressly recommended the repeal of moieties. Secretary BOUTWELL very elaborately argued in favor of the abolition of the moiety system, and, sir, Mr. BOUTWELL voted in the Senate for this very bill which the gentleman from Massachusetts [Mr. BUTLER] now denounces. In 1871 President Grant again recommended with great earnestness the repeal of the moiety system, and Secretary BOUTWELL repeated his arguments to that end, and that Secretary of the Treasury for whom the gentleman from Massachusetts seems to have so much sympathy, Mr. Richardson, the late Secretary of the Treasury, also recommended the abolition of moieties.

Let me call attention to their exact words, although I have once before done so when the subject was regularly before the House.

In his message of 1869 President Grant said:

Your attention is respectfully invited to the recommendations of the Secretary of the Treasury for the creation of the office of Commissioner of Customs Revenue; * * * and most especially to his recommendation for the repeal of laws allowing shares of fines, penalties, forfeitures, &c., to officers of the Government or to informers.

In the same year Secretary BOUTWELL said:

Under existing laws, certain revenue officers and other persons appearing as informers are entitled to shares in fines, penalties, and forfeitures. During the fiscal year 1868-69 the Treasury Department distributed the sum of \$286,073.61 to such officers and to informers in the various cases arising under the customs-revenue laws. A large additional sum was also paid through the Internal Revenue office. The reason on which the laws granting such allowances are based is that officers of the Government are stimulated to greater activity in the discovery of frauds and in bringing offenders to punishment. There can be no doubt that such is the effect of the policy; but the experience I have had in the Treasury Department has convinced me that the evils attending the system are greater than the benefits derived from it. It often occurs that revenue officers are led to assert claims in behalf of the Government which have no just foundation in law or in the facts of the respective cases; and where real claims exist it is often the object of the informers and officers who share in the penalties to misrepresent the case to the Department, so as to secure the greatest advantage to themselves. But a more serious evil is found in the practice, quite general, of allowing persons to pursue a fraudulent course until a result is reached which will inure to the benefit of the officers and informers, instead of checking criminal practices at the outset. It is impossible to set forth in exact language the character of the evils that grow out of the present system. I am, however, clearly of the opinion that the Government ought to rely upon public officers for the proper performance of their duties without stimulating them by any contingent advantages.

In 1871, again, President Grant said in his annual message:

The present laws for collecting revenue pay collectors of customs small salaries, but provide for moieties (shares in all seizures) which, at principal ports of entry particularly, raise the compensation of those officials to a large sum. It has always seemed to me as if this system must at times work perniciously. It holds out an inducement to dishonest men, should such get possession of those offices, to be lax in their scrutiny of goods entered to enable them finally to make large seizures. Your attention is respectfully invited to this subject.

Secretary BOUTWELL repeated his previous recommendations in these words:

It is my duty to call the attention of Congress to the importance of abolishing the system of shares in moieties as far as the benefits inure to revenue officers and other persons officially connected with the Government. This measure was recommended in my last annual report, and a statement was submitted to Congress showing the amount received by officers of customs, together with the bill increasing their salaries without any increase of appropriations from the Treasury; the sum now paid from moieties being quite sufficient to place the entire force upon a satisfactory footing in regard to pay.

During the last fiscal year the offices of collector and surveyor of the port of New York each received from moieties the sum of \$49,215.69, and the naval officer the sum of \$48,195.59.

In most of the cases the officers do not perform special services entitling them to the amounts granted, and importers and others whose acts are made the subject of investigation complain, and I think with just reason, that the agents of the Government have a pecuniary interest in pursuing those charged with violations of the law. The Government ought to pay fair salaries, and rely upon the good faith of its officers for the performance of their duty. One of the difficulties which the Department has to meet frequently is, that customs officers have an interest in proceedings for the discovery of fraud, the settlement of cases, or the prosecution of them, which is different from the real interest of the Government; and, as a necessary result, the conduct of such officers is open to suspicion, both on the part of those who are pursued by them and the Government that they ostensibly represent.

It may be deemed expedient to leave the law as it now stands in regard to informers who are not officers, making it a penal offense for any officer to enter into an arrangement with an informer for any share of the proceeds of the information, and giving to the informer perpetual right of action for the recovery of any money or other valuable thing paid or given to an officer engaged in the discovery or prosecution of a fraud or legal wrong against the Government.

The Commissioner of Internal Revenue testified as follows in the Sanborn investigation, (page 96, Report 559:)

Question. Congress repealed all the moiety system as far as internal revenue was concerned?

Answer. Yes.

Q. How long was that before the passage of the act which authorized the Sanborn contract?

A. Not long; but I cannot give you the exact time.

Q. Had the moiety system, up to the time of this repeal, been of such character as to recommend its continuance to you? Were you in favor of its repeal when it was repealed?

A. I was in favor of its repeal, with this other provision, if I could have some means afterward of compensating persons who gave information, and for that a special appropriation of \$100,000 was made. My objection was that, before that, officers and all had moiety alike, and that gave to the officers the appearance of hunters for prey rather than of officers doing their duty.

Q. What was the effect of the moiety system that was repealed by Congress on the service?

A. It hurt the service, I think, in this way: the officer getting his share the same as a private individual, when he went to the citizen, the citizen always

claimed that the officer came to him to make money out of him rather than to discharge his official duty, and in that way it seemed to degrade his official acts. That was the objection.

Mr. Richardson, as Secretary of the Treasury, in an elaborate letter to the chairman of the Senate Committee on Commerce, argued the subject at length, and recommended "the abolition of the present system of moieties with one exception, to wit, where attempts at smuggling are detected or where the act of smuggling is accomplished." This is precisely what you have done by your legislation.

If, then, this is to be settled by authority, we find the President of the United States, both of his Secretaries of the Treasury, and the Commissioner of Internal Revenue, on the same side with Congress and the republican party, and on the other side the gentleman from the Essex district of Massachusetts.

LOSSES UNDER THE MOIETY SYSTEM.

But the gentleman from Massachusetts comes here to teach us that we should have a specific and not an *ad valorem* tariff. Perhaps that is so. But that is not the question before us to-night; and it was not the question pending before this House when the bills were passed which he now assails. The gentleman tells us that under this *ad valorem* system we collect but 67 per cent. of the duties, not without the moieties but with the moieties, not without this machinery of barbarism but with this machinery of barbarism. With your inducements to officers to suffer violations of the law to go on for years to mass large penalties for division; with your arbitrary invasion of the office and of correspondence; with your severities arraying public sentiment against you so that juries refuse to be the instruments of your laws; with commerce protesting against your statutes and their enforcement, it is not strange that we can collect but 67 per cent. of our duties.

If we cannot do any better than that with this system of barbarism, I ask my colleagues about me if it is not high time to try some better system? We mean to collect more than 67 per cent. That is why we have asked Congress to reform the revenue laws; that is why you have abolished moieties; why you have adjusted the use of books and papers as evidence to the rule of every one of our States and to the practice of our fathers; that is why you strike down the extreme measures adopted during the war; that is why you appeal to the mercantile community to assist in sustaining just laws. You have made no mistake in so doing. And even the gentleman from Massachusetts did not appear to obstruct your beneficent action.

PHELPS, DODGE & CO.

But he does come here to tell us something about the case of Phelps, Dodge & Co. Mr. Speaker, we are not trying the case of Phelps, Dodge & Co. If we were, then the remarkable qualities of the gentleman from Massachusetts as a criminal lawyer might well be brought into play, and counsel ought also to be present on the other side. We are here to consider legislation, not to assail citizens who are reputable, who were reputable before the gentleman from Massachusetts came into the Congress of the United States, and who will be reputable before the gentleman from Massachusetts leaves this body.

Mr. BUTLER, of Massachusetts. To what citizens do you refer? Mr. ELLIS H. ROBERTS. I refer to the house of Phelps, Dodge & Co.

Mr. BUTLER, of Massachusetts. O, yes; that is all right. Mr. ELLIS H. ROBERTS. And I refer to the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. I heard that. Mr. ELLIS H. ROBERTS. And I ask, because I do not know so much as the gentleman from Massachusetts about the case of Phelps, Dodge & Co.—

Mr. BUTLER, of Massachusetts. That is evident. Mr. ELLIS H. ROBERTS. I do not know so much as the gentleman from Massachusetts of one side of that case. To show why he is better informed about it than I can be, I ask that the evidence of the informer with reference to the connection of the gentleman from Massachusetts with the case of Phelps, Dodge & Co. may be read.

Mr. BUTLER, of Massachusetts. I am very much obliged to you for that.

Mr. ELLIS H. ROBERTS. It will be found on page 173 of the evidence.

Mr. BUTLER, of Massachusetts. Will you allow me to reply after it is read?

Mr. ELLIS H. ROBERTS. No, sir.

Mr. BUTLER, of Massachusetts. I thought so.

Mr. ELLIS H. ROBERTS. You declined to let me come in.

Mr. BUTLER, of Massachusetts. Never.

Mr. ELLIS H. ROBERTS. You have had your day in court.

Mr. BUTLER, of Massachusetts. I only declined to have you interrupt me, not to have you come in and reply.

The Clerk read as follows:

Mr. FOSTER. I did not exactly understand the answer to Mr. ROBERTS's question. You employed counsel for what?

Mr. JAYNE. I deemed that it was a case where some ugly points might arise, and where this matter might come up; that it probably would come up in the course of some discussion growing out of this case. I did consent and urge settlement of this case for a sum of money that the counsel for the informer was not willing should be accepted. I deemed that some ugly proceedings might, perhaps, grow out of this attempt to black-mail. I thought the truth might come out and I might need counsel. I came with the facts to the Secretary of the Treasury, and to counsel whom I employed.

Mr. FOSTER. Then I am to understand that you employed counsel to prevent a larger sum being paid by Phelps, Dodge & Co.?

Mr. JAYNE. I employed counsel to secure the settlement upon the terms that they offered and seemed anxious to close upon.

Mr. FOSTER. And not to have them pay a larger sum?

Mr. JAYNE. Not to have them pay a larger sum.

Mr. FOSTER. I think it would be well for you to give the name of the counsel, for we have understood that he was employed for a different purpose.

Mr. JAYNE. General BUTLER was the gentleman, sir. He was not employed for a different purpose.

Mr. FOSTER. Has he been employed in any other cases with you?

Mr. JAYNE. Whenever I had questions of law that I did not understand—and in the course of my experience I have had a great many questions of law and of evidence arising—I have submitted a number of questions to General BUTLER, and I have paid him, I think, \$1,500 besides what I paid in that case.

Mr. FOSTER. How many cases has he been employed in?

Mr. JAYNE. I could not tell the exact number that I have asked him questions with regard to. I should think two or three, or three or four, perhaps.

Mr. ELLIS H. ROBERTS. That is all I ask to have read at this time. That will show why the gentleman from Massachusetts knows more about that case, or may claim to know more about one side of it, than I do. Perhaps it is a part of the task which he has undertaken, for the fee mentioned in that evidence, to assail a reputable mercantile house upon the floor of the American Congress.

Mr. BUTLER, of Massachusetts. Will the gentleman allow me—

Mr. ELLIS H. ROBERTS. The floor is mine, Mr. Speaker.

Mr. BUTLER, of Massachusetts. Yes, you are as brave as a country editor generally is.

Mr. ELLIS H. ROBERTS. Brave! I have asked you three times to come into this House and debate this question, and you had not the courage to come.

Mr. BUTLER, of Massachusetts. Not when I was sick.

Mr. ELLIS H. ROBERTS. The floor is mine, Mr. Speaker.

Mr. BUTLER, of Massachusetts. You asked a sick man to come; you are very brave. He is well now, and you will not hear him.

Mr. ELLIS H. ROBERTS:

I did hear him groan:

Ay, and that tongue of his, * * *

Alas! it cried, "Give me some drink, Titinius,"

As a sick girl.

Mr. BUTLER, of Massachusetts. Yes, I am like Cæsar.

Mr. ELLIS H. ROBERTS. Yes; "As a sick girl."

SEIZURE OF BOOKS AND PAPERS.

Let me call particular attention to the very significant fact that even the gentleman from Massachusetts has not one word to say in favor of the system of the seizure of books and papers. You have substantially wiped it out. That is one of the chief features of the bill which you have passed. Against that reform criticism is dumb.

WHY JUST ONE-HALF?

The gentleman from Massachusetts contents himself with warning us against the consequences of the repeal of moiety. When was it ever discovered that exactly one-half was the proper sum with which to induce lawyers and others to steal papers, or to have them "picked up on the street," to bribe the clerks of merchant houses, and to surround the commerce of this country with an infamous band? Why is it just one-half? Why not a little more than one-half, so that larger fees could be paid for counsel to appear not only at the Treasury but upon the floor of this House? Why not more than one-half? Why not a little less?

You, my colleagues, have chosen to say that for smuggling you will pay one-half for the detection of the crime; but for other offenses against the revenue you will pay—how much? A bagatelle, is it? For the detection of any offense against the revenue committed by importers or by officers of the revenue you will pay as much as you pay for a year's work, not simply to the chairman of the Committee on Ways and Means, with his experience of eighteen years in this House, his ability, and industry and fidelity; but you will pay for the detection of every crime against the revenue, as much even as the American people pay to their chairman of the Committee on the Judiciary of this House, [Mr. BUTLER.] Is not that quite enough—a year's salary of the best talent in the country employed in the cares and responsibility of legislation for any detective who will bring to light one single offense against the revenue? The price of a farm, or a homestead, to a detective for a single case—is not that enough? Do you want to keep up a system for pouring money into States to control gubernatorial nominations? Even with all that flood of money gubernatorial nominations are not always secured.

FINES AND PENALTIES NOT REPEALED.

But the gentleman from Massachusetts appeals to the country against Congress as if we had repealed fines, penalties, and forfeitures. The gentleman from Massachusetts could not have intended to create that impression, because it is not true. You have not repealed fines, penalties, and forfeitures. We have sought to make them more definite; we have sought to make collection dependent not upon informers, not even upon the pleasure of the Secretary of the Treasury, or any district attorney. But we have sought to make your law clear and to render its execution certain as the fiat of fate.

THE UNANIMOUS VOTE.

But, Mr. Speaker, it is a work of supererogation to talk here in favor of a bill which received the unanimous vote in this House from

every State; which in the other branch of Congress had but three negative votes, and finally upon the conference report was unanimously adopted.

Mr. DAWES. After full discussion.

Mr. ELLIS H. ROBERTS. Yes; after long and full discussion in the other House, and after a discussion in this House which was exhaustive in every respect except in not having represented in it the honorable gentleman from Massachusetts, [Mr. BUTLER.]

THE SANBORN CONTRACTS.

After the arguments when the bill for their repeal was pending, and after what has been so forcibly said by my distinguished colleague on the Committee on Ways and Means, the gentleman from Ohio, [Mr. FOSTER,] it is not necessary for me to refer again to the cognate subject—the Sanborn contracts. I did not suppose that there was in this land one man who would dare to defend them in their enormity. Even John D. Sanborn, when he came before the Ways and Means Committee, admitted that the rate allowed to him for collection was exorbitant, and that he would be willing to continue the collection at a less rate.

Mr. KASSON. At 15 per cent.

Mr. ELLIS H. ROBERTS. My colleague on the committee, the gentleman from Iowa, [Mr. KASSON,] says Sanborn was willing to collect the taxes for 15 per cent. instead of 50 per cent. The Committee on Ways and Means preferred what they considered a still better system, that the taxes should be collected by the sworn officers of the Government as they have been collected steadily all the while, in spite of the work of Sanborn. I take the liberty of submitting as part of my remarks tables showing the amount of taxes actually collected by your Internal Revenue Bureau, even during the progress of the Sanborn contracts. They are as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, March 18, 1874.

SIR: I inclose herewith a statement, prepared in accordance with your request, showing the amount of repealed taxes returned to this office after those taxes were abolished.

Very respectfully,

J. W. DOUGLASS,
Commissioner.

Hon. ELLIS H. ROBERTS,
House of Representatives, Washington, D. C.

Statement showing the amount of repealed taxes returned to the office of the Commissioner of Internal Revenue after those taxes were abolished (exclusive of certain taxes repealed June 6, 1872, relating to spirits, tobacco, and adhesive stamps) during the fiscal years ending June 30, 1871, 1872, and 1873.

| Sources. | Fiscal year 1871. | Fiscal year 1872. | Fiscal year 1873. |
|---|----------------------|----------------------|----------------------|
| Income..... | | \$1,451,817 29 | \$5,062,311 62 |
| Gross receipts..... | \$577,723 99 | | |
| Sales..... | 637,095 62 | | |
| Special taxes..... | 93,946 16 | | |
| Legacies..... | 927,879 10 | 1,784,436 19 | 763,761 77 |
| Successions..... | 649,349 16 | | |
| Articles in Schedule A..... | 38,078 34 | | |
| Manufactures and productions exclusive of gas..... | 1,058,393 18 | | |
| Gas..... | | | 120,111 96 |
| Total..... | 3,982,465 55 | 3,236,243 48 | 5,946,185 35 |

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, May 13, 1874.

The following statement shows the collections returned on legacies and successions to the Commissioner of Internal Revenue from two hundred and two collection districts during the fiscal years 1872, 1873, and the first seven months of the fiscal year 1874:

| | |
|--|--------------|
| From July 1, 1871, to June 30, 1872..... | \$888,018 03 |
| From July 1, 1872, to June 30, 1873..... | 442,412 95 |
| From July 1, 1873, to February 28, 1874..... | 58,444 59 |
| Total..... | 1,388,875 57 |

H. C. ROGERS,
Acting Commissioner.

REGULAR COLLECTIONS vs. SANBORN.

Observe that even the Sanborn contracts have not prevented the department from gathering in by regular means large sums of money from such taxes. Besides the collections actually made by the regular officers for him, besides the cases under indictment and in process of settlement, on which Sanborn received moiety, the official records show that these millions have been collected without paying toll to him.

In the last fiscal year the internal revenue was collected for about 5 per cent. and the customs for about 4 per cent. Sanborn was allowed 50 per cent., yet his cupidity has snatched from the direct course of collection not one-tenth of the actual proceeds of repealed taxes.

He collected nothing from distillery cases, except from one person under indictment. From legacies and successions he picked up nothing except in a single city. From mammoth corporations he took

little, if anything, besides what was on its way to the Treasury. His own witnesses show that he rendered no service. John D. Coughlin swears that for 12½ per cent. he collected the legacy taxes in New York for Sanborn, and would have done the same without his intervention. (See evidence, page 9.) The testimony of Presbrey, (page 82,) of Green, (page 66,) of Odell, (page 220,) and of Hawley, (page 227,) agrees in showing Sanborn only as the claimant for the moiety. In few instances is it shown that he collected anything which the Department could not by its regular methods reach and gather in.

No pretext of necessity, no allegation of neglect on the part of the Bureau, no exaggeration of the saving of money to the Treasury, can be supported by the facts to serve as an excuse or even a palliation of the contracts and the abuses which Congress has now ended forever.

The statute of 1872 was not in its terms mandatory. By it a practice which had existed was legalized and restricted. The Secretary of the Treasury might well feel bound to act under it. That, then, is the responsibility of Congress. The door was thus opened to abuses. They were not actually introduced. They were invited. They flocked in like doves to the window.

Only by abuses could this contract system prove a source of wealth to the contractor. No individual could have the resources of the Government for pressing collections. Internal-revenue taxes lie within a narrow field in which close scrutiny can be exercised. The chances for actual "discovery" of such taxes withheld must in the nature of the case be few. Only by abandoning or breaking down the restrictions of the statute could the spoils grow to a corrupt and dangerous magnitude. That was permitted to the contractor.

THE REAL CRIME.

He claimed "discovery" of every tax under repealed laws, whether he found it in court, in the hands of internal-revenue officers, or actually credited to the Government. Broader yet was the field in which he assumed mastery. Into his contract he thrust the names of persons and corporations, swearing that they were "indebted to the Government upon taxes withheld," although he had no knowledge whatever on the subject, and simply copied them from surrogates' records and railway guides. (See his evidence, pages 152, 158.)

AN EXCEPTION.

The indignation which has been aroused by the exposures reported by the Committee on Ways and Means proves that this contract system is an exception, a monstrosity in our administration. It is in antagonism to our institutions, and especially to the spirit of recent legislation. You find farming the revenue prevail in semi-barbarous China and in Turkey. The most despotic of the French monarchs thus enriched their favorites, male and female. Britain has never accorded welcome to the policy. With us it has been an exotic parasite, of sickly growth.

REPEAL IMPERATIVE.

The repeal of any law that tolerated such a system was imperatively demanded.

The Committee on Ways and Means, Mr. Speaker, have had simply the work of carrying out what was obviously the wish of the House, and what beyond all question is the wish of the country. Whether or not it be true that the gentleman from Kentucky, [Mr. BECK,] my colleague on the committee, had his attention first called to this matter or not I do not know, because the letter read here to-night is the first suggestion I have ever heard that he originated this movement. When this Congress assembled the notoriety of the cases in Brooklyn attracted the attention of other members of the committee.

Mr. BUTLER, of Massachusetts. Is the gentleman quite certain of that?

Mr. ELLIS H. ROBERTS. I am.

Mr. BUTLER, of Massachusetts. Congress came together in December, and the Brooklyn matter did not come out until long after.

Mr. ELLIS H. ROBERTS. I know what I am talking about. The first indictment was found in November or December.

Mr. BUTLER, of Massachusetts. No, sir.

Mr. ELLIS H. ROBERTS. Well; it is certain that before the resolution was introduced by the gentleman from Ohio [Mr. FOSTER] he talked with a number of members of the committee, I think I may say; but without speaking of anybody else I know he talked to me about the form of his resolution. He introduced that resolution. And the Committee on Ways and Means would have been content with the simple repeal of the law. But it was the gentleman from the Essex district of Massachusetts who demanded that his friend, Mr. John D. Sanborn, should have a hearing, Sanborn having previously made such a request to some members of the committee. It was by a republican member of the House that this resolution was introduced, as a proper step toward the reform of a flagrant evil.

REVENUE MEASURES.

But the gentleman from Massachusetts chooses to introduce just here an indictment of the Ways and Means Committee for not bringing in a revenue measure.

Mr. Speaker, the Ways and Means Committee have been studying the revenue question all through this Congress, and they have not brought in a bill to increase the taxes, because in their judgment it

was not right, it was not proper; the exigencies of the country did not demand that taxes should be increased. And the Ways and Means Committee are quite ready to go to the country upon that record; that when industry is paralyzed, when commerce folds its hands in idleness, when thousands of our people know not whither to turn for their day's labor, the Committee on Ways and Means have declined to put new burdens on the country.

Mr. BUTLER, of Massachusetts. Will the gentleman allow me a moment?

Mr. ELLIS H. ROBERTS. Yes, sir.

Mr. BUTLER, of Massachusetts. Did not the gentleman's committee bring in a bill to increase the tax on friction matches?

Mr. ELLIS H. ROBERTS. No, sir; we refused to repeal the tax on friction matches.

Mr. KASSON. We reported the bill adversely.

Mr. ELLIS H. ROBERTS. It was a bill to repeal taxes on friction matches, and we reported it adversely. This only illustrates how very little the gentleman from the Essex district of Massachusetts knows about the question which he has assumed to discuss.

Mr. Speaker, I hold in my hand the justification of the action of the Committee on Ways and Means in declining to increase taxes. The gentleman from Massachusetts, [Mr. DAWES,] the chairman of the committee, early in this session made a long argument in some parts of which I could not agree, but the conclusion of which was that no taxes were necessary. I had the honor to submit some remarks also leading in the same direction. It was my fortune early in the session to make an estimate about the revenue for the present fiscal year. I ventured as early as the 2d of March to say that the revenues for this fiscal year would be \$288,000,000, although the Treasury, with the abundant caution which is proper for it, placed them at about the same time at \$281,000,000. You will find the table of the Treasury in the RECORD for March 3, cited in my remarks. The estimate was for total income for the year ending June 30, 1874, \$281,777,972.19; expenditures, including sinking fund, \$321,477,616.35; cash in Treasury July 1, 1874, \$20,302,335.14.

The figures which I then submitted were for receipts, \$288,000,000; expenditures, including sinking fund, \$314,191,369.28; cash in Treasury, \$35,000,000.

Now the warrant division of the Treasury, estimating for the few days remaining, gives the receipts for the fiscal year at over \$290,000,000; the expenditures at \$316,843,349; and the cash in the Treasury July 1, at \$33,194,333. Here are the figures in detail:

| | |
|---|------------------|
| Cash in the Treasury July 1, 1873..... | \$131,192,028 50 |
| From which deduct sums on deposit by provisions of law, represented in this amount, as follows: | |
| Special deposits of legal-tenders held for redemption of certificates of deposit..... | \$31,730,000 00 |
| Coin deposits for which coin certificates were outstanding..... | 39,460,000 00 |
| | 71,190,000 00 |
| Total available cash belonging to the Government..... | \$60,002,028 50 |
| Receipts from July 1, 1873, to February 1, 1874, (five days estimated)..... | 165,677,972 99 |
| Receipts from February 1 to June 30, 1874, (twenty days estimated,) namely: | |
| Customs: | |
| February..... | \$14,434,659 77 |
| March..... | 15,147,033 57 |
| Unascertained and not reported at close of monthly account..... | 506,664 35 |
| April..... | 13,856,488 95 |
| May..... | 12,418,062 15 |
| June, (part estimated)..... | 13,000,000 00 |
| | 69,362,908 79 |
| Internal revenue: | |
| February..... | 8,134,408 79 |
| March..... | 7,493,792 94 |
| April..... | 8,160,855 98 |
| May..... | \$11,462,700 07 |
| June, (part estimated)..... | 8,500,000 00 |
| | \$43,751,757 78 |
| Miscellaneous: | |
| February..... | 3,488,931 00 |
| March..... | 2,044,981 94 |
| April..... | 2,308,949 64 |
| May..... | 1,800,152 94 |
| June, (part estimated)..... | 1,600,000 00 |
| | 11,243,015 52 |
| | \$124,357,682 09 |
| Total ordinary revenues..... | \$290,035,655 08 |
| Total available resources..... | 350,037,683 58 |
| Ordinary expenditures on account of appropriations: | |
| From July 1, 1873, to February 1, 1874, (five days estimated)..... | 177,174,585 59 |
| From February 1, 1874, to June 30, 1874, (twenty days estimated)..... | 110,477,394 81 |
| | 287,651,980 40 |
| Total ordinary expenditures..... | 287,651,980 40 |
| Liabilities on account of sinking fund..... | 29,191,369 28 |
| | 316,843,349 68 |
| | 33,194,333 90 |

It will be seen from the foregoing statement that the income of the Government for the current fiscal year is estimated at \$2,383,674.68 in excess of the expenditures. This will leave \$26,807,686.60 of the sinking fund unprovided for.

Monthly statement of receipts for the year, adjusted to March 31, 1874.

| Month. | Customs. | Internal revenue. | Miscellaneous. |
|-----------------------------|-----------------|-------------------|----------------|
| 1873—July..... | \$14,777,146 47 | \$8,578,044 35 | \$9,368,452 49 |
| August..... | 18,375,392 83 | 8,572,495 84 | |
| September..... | 15,963,149 09 | 8,255,894 65 | |
| October..... | 11,522,498 98 | 7,091,532 88 | |
| November..... | 9,730,834 27 | 6,771,496 89 | |
| December..... | 10,234,831 22 | 8,879,054 35 | 2,615,083 17 |
| 1874—January..... | 13,576,973 71 | 9,400,874 80 | |
| February..... | 14,434,659 77 | 8,134,408 79 | |
| March..... | 15,653,697 92 | 7,493,792 94 | |
| April..... | 13,856,488 95 | 8,160,855 98 | |
| May..... | 12,418,062 15 | 11,462,700 07 | 2,308,949 64 |
| June, (part estimated)..... | 13,000,000 00 | 8,500,000 00 | |
| Total..... | 163,533,735 36 | 101,301,151 54 | 25,200,768 18 |
| Grand total..... | | | 290,035,655 08 |

Although the estimates submitted by me nearly four months ago were then pronounced as oversanguine by some gentlemen on this floor and in the press, the result has more than justified them. The receipts overrun those estimates by more than \$2,000,000, and probably by even more. While the Treasury estimate of expenditures still exceeds the figures submitted by me, the actual result will be found to be between them, and the net cash in the Treasury will vary little if any from \$35,000,000. So that setting out of the account for the moment the issue of \$26,000,000 of legal-tenders taken from the reserve, we shall have from three to five million dollars of net surplus for the fiscal year to apply upon the sinking fund, while for the next year we may confidently expect under the laws as we now have them a complete adjustment of the sinking fund for both years. That is the justification of the Committee on Ways and Means for not bringing in a bill to increase taxes. Our judgment was that it was not necessary; and we know no reason why it should be counted a luxury to burden the people without necessity.

ASSAILING THE ADMINISTRATION.

But the gentleman from Massachusetts charges as his last indictment that the Committee on Ways and Means have been assailing the Administration. How? By preventing a corruptionist holding the Treasury in his hands and controlling its officers. How? By repealing moieties recommended to be repealed by the President of the United States. How? By striking down the infamous Sanborn contracts. Why, Mr. Speaker, I have yet to learn that moieties are the administration of the United States. I have yet to learn that John D. Sanborn is the republican administration. Indeed, Mr. Speaker, I have yet to learn that even the gentleman from the Essex district of Massachusetts, with all his ability, is the administration of the republican party—the administration of the United States. When I learn either fact it will be time enough for me to inquire my duty toward them as such, and then, if not now, I will not be afraid of the indictment of assailing the Administration, if it be assailing the Administration to strike down corruption wherever I see it, if it be assailing the Administration to strive for the right wherever it may lead.

Mr. Speaker, I have it in my heart and bones that the republican party is the party of conscience, the party of progress, and the party of right, and it is because I so believe that I have been a republican before the gentleman from Massachusetts was a republican, and I expect to be a republican after the gentleman from the Essex district of Massachusetts has made new party affiliations and gone to his own place.

It is because the moiety bill adjusts the revenue law to what I believe to be the modern ideas of humanity not only, but what seems to me to be the essential spirit of civilization, that in my humble way I have done what in me lay for the repeal of the system, and in doing that I have rendered the best service in my power to the republican administration, to the republican party, to honesty in legislation and administration, and therefore to my country and my God.

Mr. FOSTER. Mr. Speaker, after listening to the extraordinary speech just made by the gentleman from Massachusetts, [Mr. BUTLER,] I find but little in it that calls upon me for a reply, save and except his personal allusions to me in connection with the Sanborn investigation, and I desire to say that so far as my personal action in these proceedings is concerned, it was solely in the line of discharging an official duty, and with no feeling of unkindness toward any one. I believed from the start that a monstrous robbery had been attempted and partly executed on the Treasury. I believed then, as I do now, that the law authorizing the Sanborn contracts was passed for the purpose of plunder by those who engineered its passage. I believed that more than one member of Congress had knowledge of the purposes for which it was to be used before it passed. If, therefore, in asking general questions about members of Congress in connection with these contracts, the answers to which should point in all manner of ways to the gentleman from Massachusetts, [Mr. BUTLER,] it is not my fault. If he has had no connection with them, it is certainly unfortunate for him that so many of his friends should be mixed up with them.

I well knew that I would have to encounter such hostility as only the gentleman from Massachusetts can command. I knew that my

letters, if possible, would be stolen; I knew that unprincipled men would be induced to make false affidavits; I knew that my past life would be investigated with the purpose to "break me down;" but I did not expect the secret service of the Government would be used to traverse my district trying to hunt up something for the gentleman to use against me. He has through the agency of one Hughes secured a copy of a letter of mine, which he has just read to the House, the contents of which he is welcome to. Let him make the best use he may of the phrase "old Cock-eye;" it is a generous, well-intended phrase, will wear well, and live as long as the gentleman from Massachusetts. He has come forward with an affidavit from a blackmailer of Sanborn, known to him as such, in which the false statement is made that I said to this man Martin "D—n BUTLER; he ought to be investigated." He has acknowledged that he has sent into my district to learn of something that he might use against me. His strikers have given out that I was to be *scalped*. Now, what does all this amount to? There is nothing in the letter of which any friend of mine need take exception except to smile at its truthfulness. There is nothing in the affidavit, (if true,) that reflects any discredit on me; and so little could his detectives find in my district, that he has not been able to come forward with any charge whatever.

On the other hand, Mr. Speaker, the investigation has been a complete success, a vindication of my labors on the sub-committee and of the work of the whole committee in the results they have reached; for the House have unanimously adopted the bills and reports. The law under which the Sanborn contracts were made is repealed, the contracts annulled, the officers of the Treasury Department directly and indirectly connected with this disgraceful transaction are removed, and are replaced with men in whom the country has the fullest confidence.

That I have led in an investigation that has resulted so successfully in every phase of the case is a matter in which I feel a just pride, and is one which I know the country appreciates. That the gentleman from Massachusetts has suffered in reputation is not my fault, but rather that of his associations. I am not surprised that he should feel so sore over it and that he has seen fit to make a personal attack upon me to-night. He has made his own bed of torture; let him lie in it. I cannot help it.

I am very glad, Mr. Speaker, of the opportunity of presenting to the House and to the country the facts in relation to that investigation; and I want to say here in the outset that the Committee on Ways and Means never ordered an investigation into the facts in that case to the extent of calling witnesses. The gentleman from Kentucky [Mr. BECK] and myself were appointed a sub-committee on the part of the Committee on Ways and Means to investigate the affairs of the Internal Revenue Office at the request of the Committee on Appropriations. During that investigation it came to our knowledge that the Treasury of the United States was being robbed in some way, just exactly how we did not know. I went alone to the officers of the Treasury Department, because the gentleman from Kentucky [Mr. BECK] said to me that I had better go myself—that as he was a democrat it would be better for me to know the secrets of these things alone. I went to the office of the Solicitor of the Treasury, and also to the office of the Secretary of the Treasury, and my interview with those officers was so unsatisfactory that I came back to the House and offered a resolution of inquiry calling for copies of the contracts. After two or three weeks' delay that resolution was answered, giving copies of the contracts, but without the names of parties charged with having withheld their taxes. That answer was unsatisfactory to the House, and the gentleman from Pennsylvania [Mr. RANDALL] offered a resolution broader in its terms, which was referred to the Committee on Ways and Means. The Committee on Ways and Means directed me to report back to the House that resolution in still broader terms, calling for copies of the contracts and orders and everything in relation to the Sanborn contracts. In the course of time, in two or three weeks perhaps, we got an answer to this resolution. At the time I offered this second resolution the gentleman from Massachusetts [Mr. BUTLER] will remember that he objected to its introduction unless I would permit discussion, but finally he assented to a withdrawal of his objection, and the resolution was adopted by the House.

At that time the gentleman from New York [Mr. WOODFORD] asked the privilege of making a speech, and that was the speech referred to in the letter of mine read by the gentleman from Massachusetts, [Mr. BUTLER.] What he was going to say I knew not, but he asked the privilege and I granted it. Next day the gentleman from Massachusetts [Mr. BUTLER] said to me if I would offer the resolution he would withdraw his objection. Then in two or three weeks the Secretary's answer came to the House, and was ordered to be printed, and when printed the document came to the Committee on Ways and Means, and on examination the committee directed me to report a bill to the House to repeal the law.

Now, Mr. Speaker, but for the written request of Sanborn asking to be heard before we acted, and the personal application of the gentleman from Massachusetts [Mr. BUTLER] that Sanborn's request be granted, that law would have been repealed and no investigation would have been instituted. About that time Mr. Sumner died, and this matter was postponed until the ceremonies attending his funeral were over. Sanborn appeared directly afterward with a host of witnesses, half a dozen or more. He brought Mr. Conghlin from New

York, he brought Mr. Simmons from Boston, he brought old Belsterling from Philadelphia, and others—some from Washington and other points. They came on here and were going to convince (as the gentleman from Massachusetts said) the Committee on Ways and Means that we were all wrong, and that the law ought not to be repealed; but by the time we got through with them we found the whole transaction reeking and stinking with corruption all over—so much so indeed that Sanborn himself, at the instigation I presume of the gentleman from Massachusetts, [Mr. BUTLER,] refused to testify.

Mr. BUTLER, of Massachusetts. Why do you presume that?

Mr. FOSTER. Because he said he had a letter from a member of Congress asking him not to testify.

Mr. BUTLER, of Massachusetts. From me he did not.

Mr. FOSTER. He said that he had got a letter from a member of Congress advising him not to testify.

Mr. BUTLER, of Massachusetts. His counsel?

Mr. FOSTER. There is nothing but coat-tails about that.

Mr. BUTLER, of Massachusetts. Did you not say in your letter that you were going to give a rap at old Cock-eye?

Mr. FOSTER. Yes, I did; and I wish to ask the gentleman from Massachusetts if I did not get in a "rap at old Cock-eye" on a former occasion and after the letter was written, say about the 10th of March?

Mr. BUTLER, of Massachusetts. No; not once; not even his coat-tails. You have just said you never got nearer than his coat-tails.

Mr. FOSTER. The gentleman was fairly knocked down one day here. But no more about that, however; let me go on with my story.

Mr. BUTLER, of Massachusetts. O, yes.

Mr. FOSTER. Sanborn himself refused to testify. The Committee on Ways and Means found out by those witnesses brought here by Sanborn himself, without any expense to the Government, that he was robbing the Treasury as well as debauching certain internal-revenue officers from New York and New England; that they were simply collecting money that the officers of the Government could collect themselves without any intervention of Mr. Sanborn. We discovered, and you will find it in this report, that he collected several thousand dollars from one of these railroads six months before he had a contract to collect at all; that he collected several thousand dollars, some ten or twelve thousand dollars, without any contract whatever, and many other transactions equally scandalous.

Mr. Speaker, we followed this matter up, and I never asked a question which led to a sight of the gentleman's coat-tails, as you will see if you look through that book of testimony, but what was general in its character. I never asked a question directly about the gentleman from Massachusetts, [Mr. BUTLER,] I asked about some member of Congress. We found Prescott, No. 12 Pemberton Square. I do not suppose the gentleman knows him, but he has an office in the same building. I do not suppose the gentleman from Massachusetts knew anything about Prescott offering \$5,000 to one of the Brooklyn papers to take Sanborn's side of this question. I do not suppose he knew anything about paying money to the man Hughes who stole my letter to aid in securing Sanborn's acquittal in the United States court at Brooklyn. I do not suppose he knows anything about these people, as well as almost every other man engaged in this infamous transaction. But the facts are that in one way or another they all had some sort of a connection with him. My letter was stolen, not picked up in the street as the gentleman says, and given to the gentleman from Massachusetts. I expected my letters would be stolen when I got into this controversy with the gentleman, and I was careful about what I wrote. There is nothing in any letter I have written which calls for explanation. And further, Mr. Speaker, this House, for the protection of its members, had to pass a resolution to keep the gentleman from Massachusetts from stealing telegrams.

Now, Mr. Speaker, I have but little more to say about this matter. This investigation was brought on by the friends of and by the gentleman from Massachusetts himself. No other person was to blame. They brought it on, and out of the mouths of their own witnesses this testimony came. We forced it, it is true. We forced Mr. Sanborn to testify. We discovered these frauds which are fully set forth in our report and which have not been and cannot be answered by the gentleman from Massachusetts to-night. The bill repealing the law was passed by a unanimous vote of this House, the gentleman himself being present.

Mr. NIBLACK. I desire to call the attention of the gentleman from Ohio before he concludes to the manner in which Mr. Sanborn procured information from Europe in regard to income taxes and other claims for taxes.

Mr. FOSTER. What is the gentleman's point?

Mr. NIBLACK. I desire to call the attention of the gentleman from Ohio to the manner in which Mr. Sanborn procured information from Europe as to certain taxes that the gentleman from Massachusetts [Mr. BUTLER] claimed that Mr. Sanborn had information of, which he proposed to collect if allowed to do so. I desire also to call his attention to the manner in which Mr. Sanborn got information as to certain whisky taxes, also as to certain railroads.

Mr. FOSTER. We have gone over all these things, Mr. Speaker, in our report and in our speeches. But it may be well on this occasion to call the attention of the House and the country to them again.

Now, this railroad case was a marvelous thing. Sanborn made marvelous use of railroad guides; that oath of his is complimented by the gentleman to-night. The acquaintance of Mr. Sanborn with the gentleman from Massachusetts is long-lived. It dates away back to

old Fortress Monroe times. This man Sanborn was engaged in business with Mr. Hildreth (I do not care to tell here the relationship between Hildreth and the gentleman) down in the neighborhood of Fortress Monroe, selling goods to the rebels. Hildreth and Sanborn made a great deal of money at that time. I am told that Sanborn was employed as agent of the Adams Express Company. Mr. Bullock was agent of the Adams Express Company South, and played rebel. The company wanted a go-between who would get through the command at Fortress Monroe, where the gentleman from Massachusetts then commanded, and Mr. Sanborn was employed. What we were told as to that is not published, and I will not further allude to it.

Several MEMBERS. Out with it.

Mr. FOSTER. Now, how was this information got about this five million of taxes due from abroad? That is a big sum to talk about. One Mr. Fay—Mr. A. Goodrich Fay, of New York—turns up here employed by the Treasury, a special agent of the Treasury Department at five dollars a day, including Sundays and including expenses, to go abroad to hunt up these income cases. And when he returns we find that Mr. Sanborn turns up an informer in an \$800,000 job. That \$5,000,000 story is all bosh, and used to cover up his raids as an informer. That is the way that information was obtained.

I do not think it worth while, Mr. Speaker, to detain the House at any greater length on the matter of the Sanborn contracts, and I would not have said a word on this subject but for the personal attack the gentleman from Massachusetts has made upon me.

Mr. BUTLER, of Massachusetts. I have made no attack upon you.

Mr. FOSTER. I do know from reputable sources that men have been in my district—under whose auspices I do not know—looking into the matter of my election and trying to find out something about me; for what purpose I am not advised. But I am advised, and I will state it to the House, though the authority may not be very good, that the secret-service fund has been used to send men to my district—I mean the secret service in charge of Colonel Whitley, another one of the gentleman's friends—to look for a fifty-cent counterfeit plate. That was the ostensible purpose of his visit to my district. The real purpose was to hunt up something for the gentleman from Massachusetts [Mr. BUTLER] to use against me.

I do not suppose the gentleman from Massachusetts knows anything about it. I do not suppose he knows about anybody being sent there. Still, they have been there, and were sent by his friends. But, Mr. Speaker, it seemed to me under this provocation that I had a right to say "old Cock-eye" just once in a letter to a friend.

Mr. BUTLER, of Massachusetts. That is your stock in trade.

Mr. FOSTER. It is a good stock, is it not?

Mr. BUTLER, of Massachusetts. It is all you have got.

Mr. FOSTER. I do not know that I shall say anything further. I only rose to give a history of the connection of the Ways and Means Committee with the Sanborn case and to repel the gentleman's attack. But I do want to make a further remark; and that is about the case of Phelps, Dodge & Co. A more unprovoked, unwarranted, outrageous assault upon reputable gentlemen, I have never heard of, and I believe was never heard by the House or the country before. What Phelps, Dodge & Co. may have done forty years ago I do not know. I am assured that that statutory business occurred before either of the gentlemen now composing this firm were partners in the House. What Phelps, Dodge & Co. did then I know not. But assuming that what has been said about these things is true, it has nothing to do with this case of last year. What is that case? Why, Mr. Speaker, Phelps, Dodge & Co. in the course of five years imported \$40,000,000 worth of thereabouts of tin. They paid \$5,000,000 of duty, and in that time they overvalued their goods some \$300,000. The total loss to the Government charged against them as accruing to the revenue of the country is \$1,640. Did they intend to defraud the Government, or was it an error?

Now, Mr. Speaker, when we look at such cases as this we ought to take into account the surroundings. Is there any man living who supposes that Phelps, Dodge & Co. would rob the country of \$1,640?

Mr. BUTLER, of Massachusetts. No.

Mr. FOSTER. That is all that is charged against them. Does any man believe that they would rob the country of that sum?

Mr. BUTLER, of Massachusetts. No.

Mr. FOSTER. That was the aggregate for five years, giving an average of about \$300 a year. We must judge a case of this kind by its surroundings. If a mendicant or ordinary vagabond should obtain \$1,600 that he could not account for we would call him a thief. But when you take into account the standing of Phelps, Dodge & Co. and their vast business, we must admit that they were simply errors; and if errors amounting to \$300 a year should creep into a business of \$8,000,000 a year, is this the great outrage, is this the great wrong to the Government that the gentleman argues should ruin forever the integrity of a leading firm like Messrs. Phelps, Dodge & Co.?

Mr. Speaker, I say shame on the Government and shame on the men in Congress or out of it who plead for such so-called justice or equity as against such an honorable firm.

Now, Mr. Speaker, if I should invite the gentleman from Massachusetts to my house to dine, and the next day should find a spoon (Jeremiah lli: 19) of mine in his pocket, nobody would believe that he had stolen it; but if found in the pockets of a vagabond we would know that he was the thief.

The trouble is, Mr. Speaker, the gentleman from Massachusetts [Mr. BUTLER] has in his pockets a large fee paid to him out of this robbery as counsel for Jayne, and it is getting too hot to hold it there comfortably. This accounts for the writhings and contortions and abuse of the name of Christian by the gentleman to-night.

Mr. Speaker, I give it as my deliberate opinion, and the country believe and I believe and the Committee on Ways and Means unanimously believe, this Congress believe, that Phelps, Dodge & Co. were deliberately robbed; and I believe furthermore that the country never will do justice by them until they pay them back the money thus extorted from them. Without attempting to elaborate the question, that is my deliberate and honest conviction of that case.

Mr. BUTLER, of Massachusetts. Then why not bring in a bill to repay them?

Mr. FOSTER. The time has not come for that yet. I have now said all I desire to say upon this subject.

Mr. E. R. HOAR. I have but a word to say. My colleague has alluded to the fact that when he proposed this evening should be set apart for speaking only, I interposed an objection, and he has chosen to attribute it to personal malignity. I think the experience of many years must have taught my colleague that I have never had any apprehension of affording him any opportunity to express his opinions or his purposes, and have never hesitated to express my own in my own humble way, even if they happened to differ from his. I am not aware he can honestly say he ever knew of a refusal on my part to do him justice.

Mr. Speaker, I thought when I heard that proposition made at this period of the session, when by resolution of both branches we were to end the session next Monday, with the great pressure of public business, with the efforts some of us were making to get to the business upon the Speaker's table in which we felt a deep interest, asking to set apart an entire evening to the exclusion of public business for bringing forward private grievances which could just as well be brought forward on the stump, and to discuss a bill which had already passed both Houses, when the opportunity which was afforded was not accepted by that gentleman, I thought we ought to prefer the public business; and for that reason I interposed the objection. I think so now. I think we should have better spent this evening in attending to the public business than in witnessing the exhibition we have seen. And so far from its having anything malignant in it, Mr. Speaker, if we had known what we should have seen and heard to-night, I think I might appeal to the judgment of the House the utmost friendliness to my colleague would have wished my objection should have prevailed.

Mr. DAWES. Mr. Speaker, at this late hour in the evening were there more occasion than there now seems to be to occupy the floor of the House, I should be very reluctant to tax its patience. So far as my colleague has made complaint against his colleagues, I am unable in looking back over my own course to suspect he has any disposition to include me in that complaint. Whether he has or not I have this to say: in my connection with these investigations of this House I have followed out a line of policy adopted by me on entering public life, when I entered this House in a minority, and which I have followed from that day to this, most of the time in the majority, never to shrink from the investigation of an alleged fraud or corruption, whether it arose among my political friends or among my political opponents, but at the same time I have studiously kept myself so that that spirit of investigation should neither be limited nor intensified by any personal hate or animosity on my part. And in all of the investigations in which it has been my misfortune to participate in this House, I have adhered to the resolution I adopted for myself when, by appointment of the Speaker in the first Congress in which I served, I entered upon an investigation; the democratic party being then in power and struggling as I believed they did to prevent and to cover up what was proved to be an iniquitous and corrupt proceeding. I then and there pledged myself that if ever I stood upon this floor in a majority I would only bring additional zeal and earnestness and sincerity to the work of bringing to the light and to condemnation and punishment whoever as a thief or as a corrupt man raised his head inside of my own party. And, sir, with no limitation of intensity, because of any personal application or because any individual lay across that path, I have pursued that rule from that day to this. I have never turned from the straight line of any investigation one hair's breadth because it was likely to lay open an unseemly and unsightly transaction in my own party; and I never shall in the little remainder of public life that is left to me.

In pursuance of that rule, in the last Congress, I began this investigation in reference to the effect of giving half of the proceeds of uncollected taxes and one-half of the fines and penalties to men who would turn their backs upon other employments at fixed salaries to engage in this pursuit. I followed it up as well as I could in the last Congress. And upon the very second day of this session, through the aid of this House, I called upon the Treasury Department to disclose what my colleague [Mr. BUTLER] has shown here to-night to be the effect upon honest men of this system which has been enforced in this country for the last fifty years upon the collection of the revenue; an effect which, I agree with him, has been continually growing worse and worse, until with him I believe that under all the force and effect of this system of moieties there has come into the Treasury of this kind of taxes but about two-thirds. Was it not time, then, was it not

a matter that commended itself to the Committee on Ways and Means, to look about and see whether there could not be some improvement upon a system of collecting and enforcing revenues which my colleague describes in this way: that the less honesty a man has who is engaged in enforcing the revenue laws the better; that efficiency, according to his idea, and success, according to his idea, are incompatible with honesty in the public service; and therefore you must have agreed to the old adage, "thieves against thieves and rogues to hunt rogues?"

Sir, it did occur to me as a member of the Committee on Ways and Means and I accordingly set on foot the investigation which resulted in a unanimous vote of this House that that system shall continue no longer; it did occur to me that better than imposing new taxes would be an improvement in the system by which the other third of those taxes already imposed should flow into the Treasury of the United States rather than into the pockets of those men of whom my colleague says that the chief commendation they have for their services is that they have no honesty to embarrass or blunt them in their ways and means of detecting rogues. Sir, no effort of my colleague or any other gentleman on this side of the House will enable him or them to enforce upon the republican party as a part of its creed or policy any such doctrine as that. Honesty and efficiency in the public service, properly rewarded by fixed and fair salaries and compensation, I put against my colleague's policy and scheme, coming down though it may from the years that are past, bringing down though it does no other fruit than inordinate fortunes in the pockets of informers and prosecutors, while the deficiencies in the collection of the revenue go on increasing year after year until the startling announcement is made upon this floor by the chief apostle and defender of it all that the result and fruit of it is that under this great system not more than two-thirds can be got into the Treasury! Sir, some other purpose, some other method, some other idea worthy of effort on our part should stimulate us to action and investigation, if the fruit of it all is going to be such a sorry and sad picture as that which my colleague himself spreads out here as the fruit of the system.

Sir, it was in this manner that these investigations originated in the Committee on Ways and Means. My colleague had much to say about the petty pursuits of the Committee on Ways and Means.

He has criticised and complained of the action of the Committee on Ways and Means in pursuing this investigation, and has spread before the House his troubles with one or two members of the committee, and has sought to impugn the motives of the Committee on Ways and Means in their recommendation to this House and in their action which commanded the unanimous vote of the House. I participate in none of that controversy. I stop to make no inquiry concerning it; I have had no part or lot in it. If my colleague from Massachusetts or my colleague on the committee from Ohio [Mr. FOSTER] has a grievance, I care not.

Having approached this matter long before the gentleman from Ohio came into the House, at all, and long before my colleague came into it, and therefore could not have any grievance with him or with the gentleman from Kentucky, [Mr. BECK,] I have pursued the even tenor of my way as chairman of the committee, directing as well as I could the examination for the purpose of demonstrating what was wrong from the very officials in the administration of public affairs here at Washington with a view to the repeal of that system. Even the last Secretary of the Treasury, when before the Committee on Ways and Means, declared it his conviction that this system ought to be abandoned. Even Jayne declared before the committee that the system was unwise and that it ought not to be continued. No man, no official, has appeared before the committee or has made any communication to the House who has not sustained this view. The late Secretary of the Treasury, [Mr. BOUTWELL,] not only voted to repeal all of these laws, but he declared in his place in the Senate but a few days ago that this same Mr. William E. Dodge, who was put in the front here by my colleague, was an honest man.

Sir, how much co-operation in this work of investigation have we received at the hands of my colleague? Although he had notice from the committee whenever any testimony was introduced there with which his name was connected, he failed to present himself there to be heard upon this question, as he has failed up to this hour to give the House the benefit of his views upon it. He has no cause of complaint against the Committee on Ways and Means for the manner in which they have pursued this investigation, so far as he is personally concerned. He had personal notice every time any testimony appeared before that committee touching him, so that he might have the opportunity to appear there. No man has cause to complain of the action of the committee. We invited the men who were receiving these moieties to appear; we invited the officials in New York, and Boston, and Philadelphia, who were receiving these moieties; but they could not find time or opportunity to appear here and give us the benefit of their counsel. And yet, Mr. Speaker, I saw them around the galleries of this House and at the other end of the Capitol when the question was pending whether these moieties should be cut off entirely. I saw them in the lobbies at this and the other end of the Capitol. There was opportunity and time enough for them to come to Washington to give the aid of their advice to legislators by their votes upon that measure of repeal, but up to this hour the Committee on Ways and Means, so far as they are concerned and so far as my colleague is concerned, have been compelled to grope in the dark,

and gather up by the best means they could the information upon this subject which could be wrung from unwilling witnesses.

Sir, whatever others may say of the effect upon the party, and the damage to the republican party, that a republican Committee on Ways and Means has inflicted by these proceedings, I have this to say, that although I have served on many committees in Congress, on none of them do I look back to the work accomplished with more pride and satisfaction than upon the work that has been accomplished by the present Committee on Ways and Means, by which they have wiped out of the statute-book forever that blemish upon the Administration which hitherto has prevailed, a provision in order to have an efficient prosecutor you must have a dishonest man, that in order that your officers shall pursue with energy the calling of enforcing the revenue they must be stimulated by one-half of all the fruits they can gather from infractions on it.

Sir, I wish to detain the House no longer with comments upon this work of the Committee on Ways and Means. I have no personal controversy, as I have said, with my colleague. There is nothing that has transpired in that committee, over which by your appointment, sir, I have sat as chairman during this investigation, of which any gentleman in this House has any just cause to complain. The committee have submitted to this House and to the other the results of their work. The unanimous approval of both branches of Congress is sufficient for them. If I wanted any other proof of the force and power of the public commendation of this act, I would point to the effort of my colleague here to-night to baffle this current and to struggle against this condemnation of a system which I am sorry to see he has espoused and which he feels bound to defend.

Sir, I can have no lot or part in any such policy. I believe that no such dishonesty on the part of public officers is necessary as he has described here to-night. I believe that if we need more revenue we have need only the more faithfully to collect our taxes. I believe that with honesty and fidelity, with a fair and fixed compensation, we can secure that as the result of the work for which the Committee on Ways and Means have been arraigned before this House and before the country this night. They are ready to appeal from my colleague to the judgment of the House and the country.

Mr. BUTLER, of Massachusetts. Mr. Speaker—

Mr. ELLIS H. ROBERTS. Before the gentleman from Massachusetts [Mr. DAWES] sits down—

Mr. BUTLER, of Massachusetts. But he has sat down.

Mr. DAWES. If my time has not expired, I will hold the floor long enough to allow a question from my colleague on the committee.

Mr. ELLIS H. ROBERTS. When the gentleman from Massachusetts [Mr. DAWES] was discussing this question on a previous occasion he said, in answer to his colleague, the gentleman from the Essex district of Massachusetts, [Mr. BUTLER,] that it was true that the latter had introduced the first bill in this Congress to repeal moiety-ties. I desire now to ask the chairman of the Committee on Ways and Means, where now is the bill introduced by his colleague from the Essex district?

Mr. DAWES. That bill was hung up by a motion of my colleague to reconsider the reference of the bill to the Committee on Ways and Means and it has never got there yet.

Mr. ELLIS H. ROBERTS. So that it is true that the gentleman from the Essex district did introduce such a bill, and it is now hanging, as the chairman of the Committee on Ways and Means says, upon a motion to reconsider entered by him.

Mr. DAWES. Yes; my colleague had it referred to his own Committee on the Judiciary. After that I had it referred to the Committee on Ways and Means, and he entered a motion to reconsider that reference, and it never was reached. I promised to yield the balance of my time to the gentleman from New York, [Mr. TREMAIN.]

Mr. BUTLER, of Massachusetts. How much time is that?

The SPEAKER. The Chair has really recognized, by a nod, the gentleman from Massachusetts, who first spoke to-night, [Mr. BUTLER.]

Mr. BUTLER, of Massachusetts. I will wait until the gentleman from New York [Mr. TREMAIN] is through. Perhaps some members may remain to hear me.

Mr. TREMAIN. Mr. Speaker, understanding that there is no other member of the Committee on Ways and Means who desires to address the House to-night, it seems to me that I cannot, consistently with the duty I owe to an honored firm of constituents, permit this House to adjourn without raising my voice to repel the most extraordinary and unjustifiable aspersions that have been uttered here to-night upon the floor of the American Congress. Phelps, Dodge & Co. are my constituents. For a quarter of a century that firm has occupied a position at the head of the mercantile community of the great commercial emporium, with no stigma or stain resting upon their honor or upon their good name.

To-night the gentleman from Massachusetts [Mr. BUTLER] has constituted himself their accuser, has appeared as witness against them, and has acted as their judge. No charges are served upon that firm to appear in this Hall; no counsel has a right to appear here to defend them. Slanders are uttered here for which a man would be held personally responsible before the tribunals of his country if uttered where he would be deprived of the immunity that shields him here. He is here protected by the broad aegis of the Constitution, which declares that no man shall be held responsible for words uttered in debate upon the floor of this House.

And yet what have we heard here to-night? For the purpose of defending two dead and buried institutions, and in pronouncing an anathema upon the action of the Committee on Ways and Means of this House for their action in condemning and hurling into that infamy from which no power on earth can lift them—the rotten Jayne moiety system, and the infernal Sanborn contract—the gentleman from Massachusetts has held up the firm of Phelps, Dodge & Co. as swindling merchants, as perjured villains, as men who have been engaged for years in attempting to defraud the revenues of this Government, and as men who ought to be held up before this crowded audience, upon an accusation which shall go upon the wings of the lightning from one end to the other of this Republic, as men who have cheated the community in which they live, in obtaining that reputation and that honor which, forsooth, are to be destroyed before the keener criticisms, the sharper instincts, and the wiser sagacity of the hero of the Sanborn contract and the Jayne moiety system.

No man can deny the power of the gentleman from Essex. But he has not the power to raise the dead; and until he has that power he can never reverse the judgment of this House and of this country that the Sanborn contract and the manner of its performance constitute the most disgraceful and disgusting performance that has ever brought discredit upon the American name. With all his power to please, and to call down the plaudits of the galleries, the gentleman from Massachusetts can never roll back the popular tide or reverse that judgment which is the judgment of the American people that the scenes which have transpired in New York, of which Phelps, Dodge & Co. were the victims, are as deserving of the condemnation of an honest and a justice-loving community as were the diabolical transactions of the inquisition and of the star chamber.

Sir, there is in all this broad land but one man who has the boldness to stand up against the judgment of an honest people, against the unanimous expression of this House, against the conscience and the honest opinions of a thoughtful and a truth-loving community in regard to these transactions. The time for making the defense was when the gentleman from Massachusetts was invited; and he did not come. He was sick! He will be sicker yet before he gets through with his connection with the Sanborn and the Jayne infamies. No man is able to stand up before the American people and sustain these atrocious proceedings.

The gentleman has said that Phelps, Dodge & Co. were guilty of frauds in regard to statutory. Sir, a false accusation was never made. I know well the history of that stale slander, which has been picked up from the gutters and peddled in your cloak-room. It is false in every part of it.

Let me say in the first place that in the firm of Phelps, Dodge & Co. the name of Phelps is retained although the man who bore it has been dead for many years. Under a statute of New York the name of a deceased member of a firm and of the old firm itself may under certain conditions be continued by those who succeed to the business. Of course it would never be continued except where it has acquired credit and standing by probity and integrity and is a name that ought to be perpetuated.

Sir, it was nearly fifty years ago that an act of Congress was passed increasing the duty upon lead in pigs and bars from one to three cents per pound. What was the occasion of the increase? Lead mines had been discovered at Galena, Illinois, and according to the system of that day, of protecting American productions and American industry, this duty was increased 200 per cent. There had before that time grown up in the cities of Baltimore, Philadelphia, New York, and Boston large manufacturing establishments, concerned in the manufacture of white-lead, in one of which the old firm of Phelps & Peck (the name of the dead Phelps being perpetuated in the firm) were interested. When that statute was passed, somewhere from 1820 to 1824—I do not remember the exact year—these large establishments found that their business was failing; and they looked around to see in what manner they could reimburse themselves for the losses they sustained by reason of the legislation of Congress. They found that this statute, which was under the old system of duties, had left upon old lead, so called, an *ad valorem* duty of 15 per cent.

I never heard that there was anything wrong in acting precisely according to law. These manufacturing establishments consequently concluded to import old lead. I will show you by and by that as to the statutory story even the firm of Phelps & Peck had no more connection with it than the gentleman from Essex. There was a great demand for old lead. The consequence was that in the old establishments in England the roofs that were made of old lead were taken off, new lead put on, and the old lead imported to this country. Merchants and the officers of the customs submitted the question to the Treasury Department, where it was decided, properly and legally, that no more than 15 per cent. could be collected on old lead under the statute, although that lead was afterward used for the ordinary purposes for which pig-lead and bar-lead would be used.

Congress, when the next session came, proceeded to cure that omission in the old law. They did so. Then these gentlemen looked around; and they found that there was still another provision in the tariff laws under which musket-balls and bullets were admitted at a duty of 15 per cent. *ad valorem*. There was then a wonderful demand for bullets and musket-balls, old and new. They were brought over in immense numbers. Again the revenue officers submitted the question to the Government; and the Treasury officials decided that the

importation of bullets and balls at 15 per cent. *ad valorem* was according to law; that the Government could not help itself. At the next session another law was passed patching up that hole in the tariff. But afterward it was discovered that there was still another item left with a duty of only 15 per cent. *ad valorem*; and that was leaden weights and leads used by sailors. There was then a wonderful demand all at once for weights and leads. The old weights were found to be very defective. Every shipper and every sailor wanted a new set of leads. A large number were imported. In the mean time a suit was brought in New York by Mr. Price, the district attorney, but he was ignominiously beaten; for the judge, upon the first hearing of the case, dismissed the complaint on the part of the Government. Then this defect in the law was supplied. But there was still left the old statute which said that statuary and busts should be admitted either free of duty or at a small duty. Well, there never was such a demand for busts since the time when my colleague [Mr. Cox] got his bust made when he and I were in Florence. Why, sir, they had statues of all the great men of ancient and modern times. They had Moses and Aaron, and Benjamin and Joshua, and Caesar and Napoleon, and Wellington, and Washington, and Jefferson, and everybody else, run into statues on the other side. Some of them came over, to be sure, as has been said, with an eye knocked out, or a nose battered, or fingers dislocated; still you could recognize them. They came in in great quantities. A suit was undertaken to be brought in New York; but Mr. Price had had sufficient experience in that line, and he thought he would not venture upon the experiment. They went up to Boston and they sued an honorable old merchant, who was one of these white-lead manufacturers, for importing these leaden statues which, according to the language of the gentleman from Massachusetts, were transferred to the melting-pots. They brought suit against him. What did the old merchant do? His name I do not remember—perhaps some one from Massachusetts here will.

A MEMBER. His name was Leavitt.

Mr. TREMAIN. Yes; I think his name was Leavitt. What did he do? No doubt if the lawyer from Essex had been there he would have run for his office if the Government officer had not got there ahead of him. As he was not there they had to take a man of less importance, and they employed a man you may have heard of by the name of Daniel Webster. Mr. Webster went into court to defend his old friend, an old Boston merchant. They proved he imported these old leaden statues, and they probably could have satisfied the jury if that had been material that he meant to melt them as soon as he had got them into his store. What did Mr. Webster do? Mr. Webster said to the judge, "I ask you to instruct the jury that the only question in this case is a question of fact, whether the articles seized by the Government were or were not statuary." It was not a question of law, but a question of fact for the jury. The judge, as he was bound to do, responded to that request by charging the jury in accordance with the request, and the jury without leaving their seats gave a verdict in favor of the defendant that he had violated no law.

And that is all there is, Mr. Speaker, of this stale old statuary story, dug up from the gutters to sustain the rotten cause of the Sanborn contract and of the Jayne moiety system and to bring discredit upon the name of Phelps, Dodge & Co.

Now, whether these transactions by the importers were moral or immoral is a question I am not called upon to determine. It is enough, however, to say in this connection that at that time no member of the present firm of Phelps, Dodge & Co., had any connection with it. It is enough to say that the firm which was then in existence, and the predecessor of this firm, was the old firm, of Phelps & Peck, that the firm of Phelps & Peck never had anything to do with the importing of leaden statuary and busts, and that the story even as to them is made out of whole cloth, thrown in here when there was no man supposed to be familiar with the facts to defend the firm of Phelps, Dodge & Co. against a charge entirely in harmony with the general character of the transactions which the Committee on Ways and Means have properly sought to reform and this House has by its unanimous judgment condemned.

Again, the gentleman tells us Mr. Dodge claimed a particular interpretation of the statute in regard to the amount of duties which should be collected upon tin plates. I am informed by an honored merchant from Boston on the floor of this House, since that charge was made, for I knew nothing of it and this is no time to be called on to defend an absent man against a charge made under the privileges of the House—I am informed by that honored merchant, who is familiar with the whole transaction, that in regard to that the Treasury Department fully sustained the claim which was made by Mr. Dodge.

Allusion has been made to the action of the Committee on Ways and Means in recommending the tariff bill which proposed a specific duty upon tin and the boxes in which it was contained. So far from being a cause of censure against the firm of Phelps, Dodge & Co., that transaction is evidence of their strong desire to conform to the law, and to guard against the defects and abuses existing under the law which had been the means of robbing them of \$271,000. Look at it for a moment.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. TREMAIN. I understood the gentleman from Kentucky, [Mr. BECK,] one of the Committee on Ways and Means, to say he would yield to me whatever time he had.

Mr. BECK. I told the gentleman from New York if I had any time I would yield it to him.

Mr. BUTLER, of Massachusetts. The gentleman has yielded his time once or twice.

Mr. TREMAIN. This gentleman himself has had two hours. I understood the gentleman from Kentucky [Mr. BECK] was willing to yield his time to me.

Mr. BECK. The gentleman from New York asked me if I would give him my time. I told him I believed I was on the list, and if I had any time I would surrender it to him as I did not expect to speak myself.

Mr. TREMAIN. My name is on the list and I have the right to speak in my own right.

Mr. RANDALL. Go on; we have given the other side two hours.

Mr. TREMAIN. Mr. Speaker, what was the old law which is now condemned? If a man imported tin manufactured in the interior of England—and it is mostly manufactured in Wales—if he by mistake omits to put into the invoice the expense of cartage or of telegraphs or of expressage or of boxes or of any other item whatever, under that old law, which finds its vindicator here, not only was the article forfeited, but the whole invoice in which that article was contained was forfeited.

Nay, more; it was not necessary to show that there was any intention to defraud the Government. The Supreme Court decided that when the word "fraudulently" was omitted it was only necessary to show that the invoice was entered at less than the actual cost, and that it became a matter of law in such a case to instruct the jury that the whole invoice was forfeited. It was under such an odious system that Phelps, Dodge & Co. were sought to be charged with \$271,000 of forfeiture. Now what was the amount of duty of which it was charged they defrauded the Government? Why, sir, but \$1,600. Here, sir, is a firm which had paid more than fifty million dollars into the Treasury; while the Ways and Means Committee state it has been proved before them that they overpaid to the Government on other articles three or four thousand dollars of duty. Yet these men were to be held responsible in the large amount I have named for these trifling inaccuracies in their invoices. It was to guard against that that Phelps, Dodge & Co. and all the other tin merchants and importers of the country presented the memorial to Congress from which the gentleman from Massachusetts only read the first name, that of Phelps, Dodge & Co.; and that memorial asked that the tariff be changed. They were willing to have put on a duty which would give the Government greater revenue than they have derived from that source for the last three years. They thought one cent on the tin and boxes was enough. The committee of this House put it at one and a quarter cents. That is what there is about that.

Now, who is Mr. Dodge? He is a man who has been a member of this House, the peer of any gentleman upon this floor, the man who, after all these charges were made against him, was elected by the unanimous vote of the merchants of New York president of the Chamber of Commerce in that great city, a position that he occupies to-day. Can a man acquire such a reputation and so enjoy the confidence of his fellow-merchants if he is that rotten and corrupt and swindling merchant that he has been held up before this House to be by the gentleman from Massachusetts? Shall his good character go for nothing? Can long years of integrity and probity go for nothing? Shall his reputation for Christianity and piety, evidenced by the fruits that are welcomed everywhere by the Christian community as springing from a good heart, go for nothing? Is such a man to be ridiculed before your galleries as a man that preaches in the day-time and prays at night? Is the American Congress to listen to harangues of that character?

Then the gentleman, after haranguing the House for two hours, now seeks to stifle the voice of the Representative from New York, who has no other interest at all in this firm except simply to have justice done. It seems to me that this whole debate to-night has been in the nature of a funeral oration by the gentleman from Massachusetts over the dead; the dead and the corrupt; the dead and the condemned; the dead and the infamous. And if the gentleman from Massachusetts thinks that he is to be held as the savior of the republican party from the Ways and Means Committee, to whose eleven members he so triumphantly bids defiance, he will find that he is laboring under an egregious mistake.

The people are quick to discover an honest desire on the part of the Ways and Means Committee and of this House to correct abuses and reform the existing laws. This House by both its parties, to their honor be it said, without regard to political considerations, have condemned these laws and wiped them out of existence, and they will be heard of I trust no more forever.

There was another subject I desired to speak on; but if the House will give me permission to print my remarks I will not detain it longer this evening.

Mr. BUTLER, of Massachusetts. If there be anything personal in them you cannot.

Mr. TREMAIN. I will tell the gentleman that I intend my remarks to relate to the extraordinary debate, the extraordinary personalities, the extraordinary course that was taken in the closing hours of the debate upon the Geneva award bill, a bill that has passed this House. But I rejoice for the honor of my country that the triumph that was won here is destined, I believe, to be short-lived and to yield no fruits.

It requires not merely the consent of this House, but the consent of the Senate and the President, before a raid can be successfully made upon the public Treasury, whereby four millions of honest property can be confiscated and ten millions can be taken and given to a class of men who have no claims in law or equity upon them. That question is wholly postponed and to come before this House at its next session. I desire to notice some extraordinary aspersions, some extraordinary arguments, some extraordinary personal remarks that were made during that discussion; and I think it will be quite as proper, as that subject is still alive, to speak to it as to spend two hours in talking about dead issues. My speech would relate to the Geneva award, and I ask unanimous consent to print my remarks upon that subject.

Mr. BUTLER, of Massachusetts. You shall not have mine, sir.

Mr. TREMAIN. Amen. You will hear from me at Philippi. We will meet there.

Mr. BUTLER, of Massachusetts. Now, Mr. Speaker, I have to ask from the House a little indulgence.

Mr. TREMAIN. I rise to a point of order. Has the gentleman from Massachusetts the right to speak twice on the same subject?

Mr. BUTLER, of Massachusetts. I am going to speak upon an entirely different subject. I am going to speak upon the gentleman from New York, who is an entirely new and different subject.

The SPEAKER. The gentleman has a right to speak again unless some other gentleman desires to occupy the floor.

Mr. BUTLER, of Massachusetts. Mr. Speaker, the gentleman from New York [Mr. ELLIS H. ROBERTS] tried to quote Shakespeare in ridicule of my sickness; thus one member of the Committee on Ways and Means ridicules my eyes, and another ridicules my sickness. I am grieved that I am not always well. I am sorry that I cannot always be equal in health and good looks to the majority of the Committee on Ways and Means. But the most remarkable exhibition has been that of the gentleman from New York, [Mr. TREMAIN,] who told us when he first came upon this floor that he represented the whole State of New York, and that he had thirty-two Representatives from that State as his constituents, and he tried also to quote Shakespeare. Let me try if I cannot quote Shakespeare too, and see if I cannot do a little better:

The little dogs and all,
Tray, Blanch, and Sweet-heart, see, they bark at me.

Mr. ELLIS H. ROBERTS. And bite.

Mr. BUTLER, of Massachusetts. Ah, yes; but only timid persons get the hydrophobia from the bite of very little dogs.

But, Mr. Speaker, let us be serious about this business. I want no better witness than the gentleman from New York, [Mr. TREMAIN,] He comes here and tells the House and the country, in addition to what I endeavored to say, that I did not think all merchants were honest. If he is to be believed they are all dishonest. Why, sir, we put a duty on lead to protect our western mines, but allowed "old lead" to come in at a very small rate of duty, and long years ago the merchants of New York, Philadelphia, Boston, and Baltimore evaded the law by tearing off the leaden roofs from houses of London and importing them into this country as old lead so as to evade our tariff. I call that swindling. I may not understand New York morality, but according to the New Testament, which tells you that you should do unto others as you would have them do unto you, that is swindling. Well, Congress patched up that law and stopped that leak; but it could not foresee all the rascality that was possible on the part of merchants. This was just after the war of 1812, and Congress passed a law providing that no lead should come in without the payment of duty, except bullets. Well, sir, these merchants, these honest men, the praying men, cast all their lead into bullets and brought them in free of duty. I should say that that was another swindle. It was cheating the Government under the forms of law, getting around the law, evading the law, using the law to enrich themselves at the expense of their country. That is what I call swindling. I am obliged to the gentleman for the facts he states. One of the house of Phelps, Dodge & Co. was in those frauds he admits.

The gentleman avers that I should not dare charge this firm of Phelps, Dodge & Co. with swindling and defrauding the Government were I not protected from suit, because I am protected from suit for what I say here in this House.

Now I want, once for all, to say to the gentleman from New York that I will claim no privilege, I will shield myself by no privilege. I will stand out on the common here at any hour he may name, and in the presence of as many reporters as he can bring there I will make these statements over again, and he may sue me for slander, and I will endeavor to respond to the judgment of the court after he gets a verdict of any honest jury against me.

Congress also allowed lead to come in free as clock-weights; that was in favor of Connecticut, where they make clocks, and thereupon these merchants, he says, brought in all this lead free of duty in that form, and thus cheated the revenue. Congress stopped that fraud by a new law, and Connecticut could have no more clock weights unless she paid duty on them. What did the merchants do then? I am only commenting on the testimony of my witness [Mr. TREMAIN] here from New York. What was the next thing they did? They looked around, and they found that statuary and busts came in free of duty, and then they cast all the pig-lead imported into statuary, and thus brought it in free of duty; and when the Government undertook to

stop that fraud, they got Daniel Webster to defend them, and he convinced a jury that they had a right to import statuary free of duty, and so they succeeded in swindling the Government in that way. Now, sir, this is the honesty of the mercantile community on the testimony of their defender who volunteers here in their behalf.

Now, I undertake to say that there is not a man in this House who professes honesty that can look an honest man in the face and say that that is either just, or proper, or right, this taking advantage of the law to swindle the country. But does not the gentleman's statement cover exactly what I told you of? I said that it was notorious that for years and years the firm of Phelps, Dodge & Co., whatever members may have composed it, had been taking all manner of technical advantages to swindle the country. If I had not proved it before it is proved now; here is the witness, their advocate, putting in their defense.

The gentleman says I brought this charge of importing lead as statuary, which he admits to be true, out of the gutter. Let us see where I brought it from. I took it from the congressional reports; I had it read at the desk of your Clerk from the Congressional Globe. Senator MORRILL was one of the debaters; Mr. ELDREDGE of this House was another; Thaddeus Stevens was another, and he charged it as a swindle upon the revenue by Phelps, Dodge & Co.

And then upon this question of cheating in tin plates. The gentleman says why should they not, if they could only get a ruling of the Department to enable them to bring in these tin plates at too low duty because they were not "galvanized tin plates," and thus defraud the nation. Ay, why not? Why should they not cheat? I know of but one reason why they should not? Because it is dishonest to cheat; that is all, that is the only reason; that may not be a good reason in New York, but elsewhere it is; because it is not doing an honest thing, it is not doing an upright thing, and it is not doing the thing that ought to be done. I may be all wrong; I may be one of those that have not proper moral conceptions. But I would here declare that I would rather defend Sanborn and Jayne and everybody else I have heard of on the other side of this transaction, than to defend a merchant who undertakes to cheat his country in time of war, when her soldiers were bleeding upon the field of battle, by frauds and tricks cheat her out of millions of dollars each year, as these merchant princes, Phelps, Dodge & Co., did. That is all; and I dismiss them forever. If there is any man here who chooses now to defend them, be it so. After this exhibition of their case by the gentleman from New York, if there is any man here who wants to say that theirs is good morality to inculcate in his children, that this is a good thing to do, that the law ought to be made and tariffs fixed for such men, then be it so. That is what your committee has done.

The gentleman from New York says that we should not attack absent men. Why, then, does he denounce a man by name, Mr. Jayne, who is absent? I have never said anything here about Mr. Jayne, good or bad. What has Mr. Jayne done? As a special agent of the Treasury Department it was his duty when frauds were brought to his notice to inform the proper officers and have them punished. He did so; and of forty-nine cases he convicted forty-eight in court by the plea of guilty, and he brought into the Treasury in two years \$3,000,000 fines and penalties, as that book shows. That is all he has done.

Mr. DAWES. That is not all; he took half of it out.

Mr. BUTLER, of Massachusetts. No, sir, he did not; that is a simple mistake that both you and others have made.

Mr. DAWES. He and his friends about him did.

Mr. BUTLER, of Massachusetts. No, sir; pardon me again.

Mr. DAWES. They divided it up.

Mr. BUTLER, of Massachusetts. Wait a minute, don't hurry; be a little careful now. He put \$3,000,000 into the Treasury for fines and penalties within two years, he and others, independent of what they took out. Look at the record. That is as I understand it. They did according to the law of the land, and they did it by the judgment of the court. That is the beginning and the end of their offending.

Mr. DAWES. I think my colleague is mistaken about the sum. But if he is not mistaken, they took out \$2,000,000, or more.

Mr. BUTLER, of Massachusetts. I do not care if they took out \$10,000,000; they took out no more than the law allowed them as part of what they put in.

Mr. DAWES. The report shows they took out two or three million dollars.

Mr. BUTLER, of Massachusetts. We have the report here. I do not care to go into the figures at this hour of the night. Let us turn to another part of this case. The gentleman from New York, who visited Europe last year [Mr. ELLIS H. ROBERTS] and who came back just in season to pay his back salary into the Treasury, upon which I doubt not he spent his time very pleasantly in Europe—the gentleman from New York has had the kindness to have read at the Clerk's desk extracts from the evidence to show that I knew about this case because I was counsel. Why, sir, as it came out before his committee and without my fault, as I do not willingly disclose my clients' business, I will tell the whole of it now, especially as great pains have been taken that the statement should not appear in the report. I never had anything to do with fixing the penalty Phelps, Dodge & Co. should pay; they were all fixed before I came into the matter. But the informer brought to Mr. Jayne a bundle of letters which compromised some of the first women in New York quite as much in their conduct

with the younger members of that firm as the firm were compromised with the United States; and the question was with Mr. Jayne, what should be done with those letters? The informer who brought them to Mr. Jayne said to him, "You must use those letters to get more money." Jayne said, "I will not." Then it was replied, "If you do not I will complain to the Secretary of the Treasury." Mr. Jayne came to me and said, "Ought I to use those letters for any such purpose?" I said to him, "Not by any manner of means." Mr. Jayne then called young Mr. Phelps before him and put those letters into the fire; and young Phelps took him by the hand and thanked him for so doing. I went with Mr. Jayne and explained the transaction to the Secretary of the Treasury, who said to Mr. Jayne, "You did right; you acted like an honorable man."

The only thing I ever had to do with this question of penalty was when two of Phelps, Dodge & Co.'s lawyers came into my office here in Washington and said, "Will you not go to the Secretary of the Treasury and advise him to take this \$270,000 and settle this case?" I said, "I will not go and advise him, because it would do more harm than good; he understands his own matters perfectly; I cannot be of service to you in the matter." My connection with the case was because of a private transaction which the Government had nothing to do with; and but for the gentleman from Ohio, who in the course of the testimony over and over again pressed it out, picked it out, drew it out, hammered it out, and got it out, it would never have come out here at all. I did nothing in that matter more than I would do when the gentleman from Ohio [Mr. FOSTER] is attacked and comes to me for counsel, as he will I doubt not. I do not know but that I would defend even the gentleman from New York, [Mr. ELLIS H. ROBERTS,] provided my fees were large enough. For these reasons I have nothing to apologize for or retract upon that matter.

But why drag in these matters of personality except as they show that this investigation in the Sanborn case was, upon the testimony of the gentleman from Ohio, got up, not by the Committee on Ways and Means, but by himself and the gentleman from Kentucky, [Mr. BECK;] the object being on the part of the latter, properly and rightly from his political point of view, to break down the Administration; and the object of the gentleman from Ohio being to break me down to get even with me. My whole offense (as has crept out in the statement of the gentleman from New York, who is acting under my colleague's inspiration,) was that it was necessary that gubernatorial honors should not be allowed to anybody in my State except to a chosen few of high respectability, such men as import lead bullets against the law, and tear off lead roofs in London in order to cheat the revenue—"highly respectable merchants!"

To my colleague, [Mr. E. R. HOAR,] who with such solemnity asks me whether I honestly think he would do an unjust thing toward me, I answer in the same candor with which he puts the question, that if he knew it I do not believe he would. But I think the bent of his mind is so bitter that he does not know when he does a thing which he ought not to do against a man whom he does not like. Is he satisfied with the answer? I am.

Mr. TOWNSEND obtained the floor and said: I yield fifteen minutes to the gentleman from New York, [Mr. TREMAIN,] after which I will yield five minutes to the gentleman from Florida, [Mr. PURMAN.]

Mr. TREMAIN. Mr. Speaker, it is difficult to tell which most to admire, the high-toned sense of honor and morality of the gentleman from Massachusetts, who sees so much fraud in the conduct of men who have been vindicated and sustained by the action of a court and jury, or his logic in finding in my argument a sufficient ground to condemn Phelps, Dodge & Co. Sir, I have stated distinctly, and the gentleman knows it well, that Phelps & Peck, who were the firm in existence when the statutory was imported some forty or fifty years ago, had no agency whatever in its importation. They had no more connection with it than had the gentleman from Massachusetts, and yet, forsooth, he finds in my remarks sufficient to sustain his charges against Phelps, Dodge & Co., and proceeds to indulge in a general tirade of abuse against the merchants of this country—merchants whose names are synonyms for honor, for patriotism, and for integrity, and who would not thank me for vindicating them against the frivolous and unfounded aspersions of the gentleman from Massachusetts.

Again, he asks why did I denounce Jayne? I denounced the systems with which Jayne and Sanborn were associated. I exonerate the officers of the law, for they are honorable officials in the city of New York, who no doubt did what honorable men should have done in executing the law. I would not be understood as criticising in any manner the action of the revenue officers of New York, for all of whom I entertain the highest respect and esteem. But it was the system I denounced, and I rejoice that it has been condemned and forever exploded.

The gentleman says we drag in personalities. A singular complaint from such a source! Who but he has introduced personalities into this House? Who but he in the Geneva award debate, which he now objects to my answering, introduced personalities? I send to the Clerk a passage I desire to have read in regard to personalities. I ask the Clerk to read that portion which is marked. The gentleman's speech is withheld from the RECORD, and hence I send up Harper's Weekly, which contains the newspaper version of the transaction.

The Clerk read as follows:

In the further course of Mr. BUTLER's argument, Mr. TREMAIN asked him if he would allow him to put a question.

Mr. BUTLER, of Massachusetts. Yes, if you will keep quiet afterward.

Mr. TREMAIN. That depends upon whether you tell the truth or not.

Mr. BUTLER, of Massachusetts. If that is a good reason, you will keep quiet all your life, and die with your tongue dumb; but the difficulty is that Tweed was convicted, and the lawyer who convicted him cannot keep quiet ever since.

Mr. TREMAIN. And you sympathize with him?

Mr. BUTLER, of Massachusetts. I do, with such a counsel as was against him. [Laughter.]

Mr. TREMAIN. Undoubtedly there is a bond of sympathy between you.

Mr. BUTLER, of Massachusetts. I think that such a man should be hunted by lions, and not by jackals. [Laughter.] Do you see the disadvantage of interrupting?

Mr. TREMAIN. None whatever.

Mr. TREMAIN. Now, Mr. Speaker, let me recall to this House the circumstances under which that violation of the rules of this House was perpetrated. Three speeches had been made on the part of the champions of the war premiums, without any opportunity to reply, under the management of the gentleman from Massachusetts. No answer was allowed to the question which I proposed to put to one of his field-marshal, the gentleman from Maine, [Mr. FRYE,] a gentleman for whom I entertain the highest regard. When closing the debate the gentleman from Massachusetts stated that Judge POLAND's bill declared insurance companies should be paid, a statement that was utterly unfounded in fact, and I asked, in accordance with the courtesy and usages of the House, if he would permit me to put a question. You have the answer before you. Sir, the time has been, when I was younger than I am, and had as I think a more imperfect view of my duty, when swift and certain punishment would have followed the application of that language to me.

But, sir, I trust I never shall forget that solemn declaration that "Vengeance is mine; I will repay, saith the Lord." I have too much self-respect and too high a regard for the honor of this House to respond in the same coin, no matter how copious and abundant may be the wealth of materials available at my command. Nor, sir, do I believe the good people of this country will believe me to be a jackal, nor complain of my agency in convicting the notorious Tweed. No such language as I have quoted nor any other from the same source can insult me. I believe rather, sir, that the honest judgment of the thinking, sensible people of this country, as they read at their breakfast tables that extraordinary exhibition on the floor of the House of Representatives, would be, "What else can you expect than a comparison drawn from the animal creation when that comparison comes from the mouth of?"—I forbear from finishing the sentence.

The gentleman has quoted Shakespeare. Let me also quote Shakespeare as applicable to him. On the Geneva award debate this Hall rang during three hours with charges, when no opportunity was given to answer; when even fifteen minutes were refused to the gentleman from Kentucky [Mr. BECK] to say a few words in favor of insurance companies, though the pledge had been given when consent to close the debate at three o'clock was obtained from us that we should have one-half the time—I say the Hall rang with all sorts of charges, among which were charges against Mr. Evarts, ex-Attorney-General of the United States, a man standing, if not at the head, at least in the front rank of his profession in New York and in the country, with charges against every lawyer who did not speak against the insurance companies as having been bought, not directly, not in a manly way, but in that insinuating, ambiguous form which the gentlemen know how to employ without violating the rule which prohibits personalities, and yet carrying the impression to the groundlings that every man who stood up here in favor of what he supposed to be the claims of justice and right was paid by the insurance companies. The very able gentleman from Maine, the field-marshal of the commander-in-chief—I will not put him down so low in rank as to call him a lieutenant or adjutant—the gentleman from Maine [Mr. HALE] said, "Do not put this case into the courts, for there the insurance companies are sure to win."

But the gentleman from Maine says do not put this case into the courts, because there the insurance companies are sure to win. It is a well-settled principle of equity that the insurance companies were subrogated to the rights of the assured. And so it went on for the benefit of the war-premium claimants, and the ten millions were to be taken out of the Treasury and distributed among the men that were not entitled to it.

Now, there is a description of such another crusade that I find in Shakespeare's second part of King Henry VI. Shakespeare has described all sorts of people in ancient and modern times, and he gives Jack Cade's language to Dick the butcher, Smith the weaver, and others of a similar stripe, who rallied around him, in these words:

CADE. Be brave, then; for your captain is brave, and vows reformation. There shall be, in England, seven half-penny loaves sold for a penny: the three-hooped pot shall have ten hoops; and I will make it felony to drink small beer; all the realm shall be in common and in Cheapside shall my paltry go to grass. And, when I am king, (as king I will be,)—

ALL. God save your majesty!

CADE. I thank you, good people:—there shall be no money; all shall eat and drink on my score; and I will apparel them all in one livery, that they may agree like brothers, and worship me their lord.

DICK. The first thing we do, let's kill all the lawyers.

CADE. Nay, that I mean to do. Is not this a lamentable thing, that of the skin of an innocent lamb should be made parchment? that parchment, being scribbled

o'er, should undo a man? Some say, the bee stings; but I say, 'tis the bee's wax; for I did but seal once to a thing, and I was never mine own man since.

The difference between the ancient Jack Cade and the modern is that instead of saying there should be no money, the modern Jack Cade says, "You shall have your pockets full of money, all glittering in bright greenbacks, bearing the stamp of the Government."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate insisted on its amendments to the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, disagreed to by the House of Representatives, disagreed to the amendments of the House to other amendments of the Senate, and agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon; and had appointed Mr. WEST, Mr. RAMSEY, and Mr. SHERMAN to be the conferees on the part of the Senate.

The message further announced that the Senate had passed without amendment the joint resolution (H. R. No. 112) directing the Public Printer to keep an account of all expenditures for printing, mailing, and binding the CONGRESSIONAL RECORD, &c.

The message further announced that the Senate agreed to the concurrent resolution of the House of Representatives directing the distribution of the three thousand copies of the Statistical Atlas of the United States based on the results of the ninth census, now being compiled by Francis A. Walker, the publication of which is provided for by the act of March 3, 1873.

RECOGNITION OF CUBA.

Mr. PURMAN. Mr. Speaker, the first cry of freedom in Cuba, though in a different language from ours, sobbing across the narrow Gulf Stream, received a ready response and re-echo in the chivalric hearts of Florida. Florida, once a sister with Cuba in the family of the once great Spanish nation, cannot be oblivious to the struggling condition of her less fortunate relation. The blood of a historical consanguinity yet courses through the veins and memory of our people.

It was the good fortune of our State to have been first plucked from the grasp of Spanish dominion by the reckless gallantry of a cavalier general and in violation of all international law, and the jewel of American liberty was set upon her brow in the similitude of a captive beauty crowned by her conquering and conquered knight. She escaped the penalty of a bloody revolution paid by all her other sisters as the price of their liberty and independence.

Severed so early by a most happy fate from the mother family and blessed like a beautiful damsel of poor estate wedded by a mighty king, she has not grown selfish in her happiness nor haughty in her superior station, but like a true sister comes to the rescue with all the power of tears and prayers—tears to beseech propitiation from Heaven, and prayers to beseech mercy and recognition from this United States Congress.

In the session of 1870 the Legislature of our State spoke as follows by the adoption of the resolution introduced by myself:

Resolved by the people of the State of Florida, represented in senate and assembly, That we are not and cannot be indifferent to the eventful history which our neighbors are enacting on the island of Cuba in their patriotic endeavors for freedom and independence. That by our proximity of country, by the comity that has always so happily prevailed between our respective people, by our own love of liberty, and by the promptings of our own political religion, that all nations should be free and enjoy the blessings of popular institutions, we extend our heartfelt sympathies and hopes to the struggling patriots of Cuba, and with them unite our invocations for their speedy deliverance from oppression and their victorious establishment of a free government, which is the only rightful authority on earth to which universal man should acknowledge obedience; and that our expressions of fellowship in feeling and prayer may carry with them at least the power of a moral support and encouragement, we hereby request our Representatives and Senators in the Congress of the United States to respond to the strong popular sentiment of the whole country, and at once accord by the sovereign voice of Congress those belligerent rights and protection to the cause of free Cuba which a common justice, kindred principles, and an enlightened humanity demand, and which are sanctioned by the usage and laws of nations.

Again, in the session of 1874, upon the resolution introduced by Senator Howe, of Key West:

Whereas the people of the island of Cuba have been and are still struggling for their national existence and are trying to establish a free government for themselves and their children; and whereas the war waged by the Spanish government has no parallel for its inhumanity in modern times, and should not be permitted by any civilized nation: Therefore,

Be it resolved by the people of the State of Florida, represented in senate and assembly, That the Congress of the United States is requested to adopt such legislation as may be necessary to enable the national Government to extend such aid to the people of Cuba as becomes a great republic, whose people so ardently sympathize with an oppressed nation.

And be it further resolved, That our Senators and Representatives in Congress are requested to present these resolutions to their respective bodies as expressive of the sense of the people of Florida.

Again, through the voice of her chief executive, who sent the following telegram greeting to President Grant upon the apprehension of difficulties arising from the capture of the Virginian and the assassination of portion of the crew:

STATE OF FLORIDA,
Executive Office, Tallahassee, Florida, November 20, 1873.

U. S. GRANT,
President of the United States, Washington, D. C.:

In case of serious difficulty with Spanish authorities in Cuba Florida will do its duty; and as we hold the front position geographically, so we will claim the front rank in the cause of national honor and human liberty.

M. L. STEARNS,
Governor.

This tender to the President meant indignation at the insult offered our flag, earnestness for the vindication of its honor; for it was written by a governor with his left hand, having already lost his right arm in defense of his country's flag.

Thus has our State spoken in the most solemn and authorized manner known to our constitution; and were I, from any possibility, to remain silent upon this floor upon this stirring question of a people who are our neighbors by geography, political aspirations, and reciprocal interests, fighting and dying for liberty and independence, I would be recreant to my own convictions of duty and to the most sanguine sentiments of my constituents.

Sir, I give my most cordial support of heart and hand and vote to the resolution of the gentleman from Vermont [Mr. POLAND] for the recognition of the independence of Cuba.

If the principles and facts enunciated in the four propositions of the preamble to the resolution are correct, then every unbiased mind cannot fail to see in the logical deduction independence, and independence only.

The first proposition is—

It is the clear and undoubted right of any American colony to sever its connection with the mother colony, and establish itself as an independent nation, whenever the good of its people requires it.

Is this proposition as a political principle correct, and sanctioned by the proudest pages in the history of our own country?

The grandest monument to the wisdom and patriotism of our revolutionary sires is the immortal declaration of our own independence as Colonies from the kingdom of Great Britain. They declared life, liberty, and the pursuit of happiness as the fundamental and inalienable rights of man, having been endowed with these rights not by any ancient parental monarchy or free constitution, but by their own Creator; that only for the purpose of securing these rights were governments instituted among men, and the powers of such governments are alone derived from the expressed will of the majority of the governed; that whenever any form of government becomes destructive of these rights, it is the right of the people to alter or abolish it and institute a new government for their better safety and happiness.

Such was the new political doctrine adopted by our colonial fathers in the New World; and after another declaration that the colonies are and of right ought to be free and independent, they mutually pledged to each other their lives, their fortunes, and their sacred honor for the support of their new doctrine, and the Rubicon was crossed forever.

What degenerate son will deny a single principle baptized in the blood of our own Revolution, or deface a single stone bright with our own glory in this temple of liberty reared for us by our forefathers?

"Whenever the good of its people requires it!" Sir, God and the enlightened world know that the good of the 677,951 white people, and the good of the 605,461 colored people in Cuba, over a quarter of a million of the latter being bound in abject slavery, require as speedily as the pen of fate can write the event the fullest abolishment of the last vestige of Spanish domination over the island.

What nameless oppressions for centuries have been endured by the devoted people of this beautiful island the Christian world never could fully know.

The Spanish tyrant repressed all general education, prevented the free introduction of knowledge among the people, suppressed all societies for the promotion of any useful or popular purpose, and under such a never-ceasing system of suppression the Cuban's history, as apart from the unreliable information furnished by the tyrant himself, remains unwritten, and preserved only in cherished tradition.

From the day the native Indian chief Hatuey was burned at the stake, exclaiming with his dying breath, "I prefer hell to heaven if there are Spaniards in heaven," to the hour when the late President Céspedes, discovered by a Spanish detachment in the Sierra Maestra Mountains, fired the contents of his last revolver at them and cast himself headlong over the rocky precipice, preferring a sublime suicide to Spanish capture, this island has been the scene of such tyranny and crimes as to shock all Christendom and cause the very heavens to weep.

Hear but a hasty recital of the wrongs that have crushed generations after generations, and ask yourselves the question whether the American people have no sympathy for these heroic patriots, and whether our recognition of their independence, not by enthusiastic declamation, but by the passage of this resolution, is not our solemn duty in the interest of an exalted and prophetic patriotism, and in the light of that Christianity which teaches us to love our neighbor as ourself.

Hear the wrongs, hoary with age and to-day dripping with the blood of the oppressor and the oppressed.

The island has been under martial law since 1825.

Cuba is permitted no representation in the Cortes or Congress of Spain.

The natives of the island are excluded entirely from the army, the judiciary, the treasury, and the customs.

The military government assumes the charge of the schools, and the inhabitants are forbidden to send their sons to the United States for educational purposes, and only one child out of eighteen is allowed to be taught to read and write.

The press is under the vilest censorship and newspapers from abroad with few exceptions are contraband, while letters passing through the post are opened and purged of their contents before delivery.

Cubans are deprived of all arms, and are not allowed to carry even a fruit-knife under a penalty of imprisonment for six years, and are fined five pesos (dollars) for carrying canes of a larger size than can be easily introduced into a gun-barrel.

A Cuban must purchase a license before he can invite a few friends to take a cup of tea at his board, and no person can remove from one house to another without first paying for a government permit.

Farmers are compelled to pay 10 per cent. on all their harvests as soon as gathered except sugar, and on that article 2½ per cent.

Upon every species of property sold the sum of 10 per cent. on the purchase price must be paid to the government.

The grazing of cattle is taxed exorbitantly, and no goods either in or out of doors can be sold without a license.

They have no right of trial by jury, no liberty of speech or of the press, and are not permitted to assemble themselves to the number of three without being dispersed.

Stamped paper must be used for all contracts, costing eight dollars per sheet; flour is taxed ten dollars and fifty cents per barrel from the United States and two dollars and fifty cents from Spain, and the rich only can eat flour while the poor eat cassava-root.

The culture of wheat, which grows luxuriantly, is restricted. Breadstuffs from the United States are excluded or burdened with heavy duties for the benefit of Spanish producers.

Ice is monopolized by the government and fishing on the coast is forbidden, being also a government monopoly.

The captain-general and his stewards levy taxes and contributions at their pleasure, amounting now to more than sixty millions per annum. With this revenue the government keeps an army of fifty thousand Spanish or Peninsula troops on the island, pays a vast number of officials, part of the clergy, half the entire Spanish navy, and many officials of rank at home in the mother country, and the surplus, if any, is remitted to Spain and expended on matters entirely foreign to the interests of the island.

Is it unnatural that a social gulf, deep as an unfathomable abyss in the Alps, has for ages divided the Cuban from the Spaniard? What an Iliad of woes in this richest territory on the face of the globe—a paradise by nature made a hell by the Spaniard. Was ever the oppression of the American colonies by the British government equaled by one hundredth of the oppression inflicted for centuries upon the unfortunate colony of Cuba? The forms at least of civil government prevailed in our Colonies, and the protection of life and property were at least asserted in the equal laws of Parliament. In Cuba the only government is a military despotism, where the fate of all life and property ever hangs in the uncertain balance of an arbitrary will and from whose decree there is no earthly appeal. Upon remonstrance the British Parliament alleviated the taxation of our Colonies until the duty on tea alone remained the most obnoxious imposition. In Cuba everything is taxed, without precedent or propriety, and the burden of the imposition is only graduated by the ability of the subject to pay the extortion, with no cortes or parliament to appeal to for even temporary justice or alleviation.

The principle that taxation and representation are inseparable in any just government impelled our fathers into a revolution by formal declaration on the 4th of July, 1776. Impelled by the same conviction that taxation and representation are inseparable, and goaded by the iron of tyranny piercing their flesh at every turn, the patriots of Cuba declared their independence from the thralldom of Spain on the 10th of October, 1868, at Manzanillo, and submitted to the God of their conscience, and all civilized nations, the asseverations of their patriotic purpose.

Who can declare in the face of this free nation that dates its liberty from the rebellion of its fathers, and without doing violence to the truth of our own history, that the people of Cuba have a less righteous cause for freedom and independence than we had in 1776?

Sir, any change from a military despotism will be for the good of a people so mysteriously cursed in this omnipotent toleration by a common Creator, and the generous American people have for years been convinced that the independence of Cuba will alone secure the universal disenthralment of this island and relieve the United States from a constantly threatening danger of collision with Spain herself.

The second proposition in the preamble is capable of incontrovertible establishment:

The people of Cuba have declared themselves free and independent of the government of Spain, have established a government for themselves and abolished negro slavery, and for more than five years have successfully resisted all the efforts of Spain to reduce them to submission and re-establish the condition of negro slavery in that island.

The revolutionists, headed by Carlos Manuel de Cespedes, an able lawyer and wealthy planter, raised the standard of revolt on the 10th of October, 1868, and issued their declaration of the justice and determination of their cause.

A few extracts from the memorable instrument I beg the House to hear:

In arming ourselves against the tyrannical government of Spain we must, according to precedent in all civilized countries, proclaim before the world the cause that impels us to take this step, which, though likely to entail considerable disturbances upon the present, will insure the happiness of the future.

It is well known that Spain governs the island of Cuba with an iron and blood-stained hand. The former holds the latter deprived of political, civil, and religious liberty. Hence the unfortunate Cubans being illegally prosecuted and thrown into exile, or executed by military commissions in times of peace; hence their being kept from public meeting, and forbidden to speak or write on affairs of state; hence

their remonstrances against the evils that afflict them, being looked upon as the proceedings of rebels, from the fact that they are bound to keep silence and obey; hence the never-ending plague of hungry officials from Spain to devour the product of their industry and labor; hence their exclusion from public stations and want of opportunity to skill themselves in the art of government; hence the restrictions to which public instruction with them is subjected, in order to keep them so ignorant as not to be able to know and enforce their rights in any shape or form whatever; hence the navy and standing army which are kept upon their country at an enormous expenditure from their own wealth, to make them bend their knees and submit their necks to the iron yoke that disgraces them; hence the grinding taxation under which they labor, and which would make them all perish in misery but for the marvelous fertility of their soil. On the other hand, Cuba cannot prosper as she ought to, because white immigration, that suits her best, is artfully kept from her shores by the Spanish government. And as Spain has many a time promised us, Cubans, to respect our rights, without having hitherto fulfilled her promises; as she continues to tax us heavily, and by so doing is likely to destroy our wealth; as we are in danger of losing our property, our lives, and our honor under further Spanish domination; as we have reached a depth of degradation unutterably revolting to manhood; as great nations have sprung from revolt against a similar disgrace after exhausted pleading for relief; as we despair of justice from Spain through reasoning, and cannot longer live deprived of the rights which other people enjoy, we are constrained to appeal to arms to assert our rights in the battle-field, cherishing the hope that our grievances will be a sufficient excuse for this last resort to redress them and secure our future welfare.

To the God of our conscience and to all civilized nations we submit the sincerity of our purpose. Vengeance does not mislead us, nor is ambition our guide. We only want to be free, and see all men with us equally free, as the Creator intended mankind to be. Our earnest belief is that all men are brethren. Hence our love of toleration, order, and justice in every respect. We desire the gradual abolition of slavery with indemnification; we admire universal suffrage, as it insures the sovereignty of the people; we demand a religious regard for the inalienable rights of man as the basis of freedom and national greatness.

During the first month of the war a provisional government was organized at Bayamo, and on the 10th of April, 1869, a convention met at Guaimaro of the delegates of the different sections of the island, where a constitution was considered and adopted. Their constitution is similar in all essential features to any of the free constitutions of our States, and by article 24 slavery is forever abolished, and all the inhabitants of the republic of Cuba are declared absolutely and forever free.

For more than five years the Cubans have successfully resisted all the power of Spain to reduce them to submission, and more than five hundred and sixty-eight engagements have been fought, many of them it is true of small proportions and inconsiderable damage, while again scores of battles have been fought where from 100 to 800 were left dead upon the field. At the battle of Cubitas 300 Spaniards were killed and 500 wounded, and 160 Cubans killed and wounded. At Guantnamo 1,200 Spaniards and 133 Cubans were killed and wounded. In March, 1874, the Spanish General Arminan was defeated at Guasinias by General Maximo Gomez in such a disastrous manner that he fell back to Puerto Principe with scarcely a single man of his column five thousand strong.

The constitution and laws passed by the house of representatives, notwithstanding all the contrary statements by the enemies of free Cuba, continue to rule as regularly as can be expected from an infant republic whose twofold difficulties simultaneously are the institution of itself and the fighting of its opponents, and the latest information shows that the Cubans hold their own from Santiago de Cuba to the district of Cinco Villas, over more than half the territory of the island. Wherever the patriot soldiers sweep they leave terror and destruction behind them. To the Spaniard's plantation they carry irretrievable devastation, while to their slaves they carry the invitation to freedom which is as instantly embraced, for freedom even in the camp and dangers of the liberators is far dearer than that brutal bondage in which there is no emancipation save in welcome death.

The white and colored soldiers in the patriot army fight side by side for liberty, are not divided off into colored and white regiments, stand shoulder to shoulder in the same ranks, and in the number of commissioned officers are as many colored as white. One of the bravest and most successful generals in the Cuban army is a colored man, General Policarpo Rustan, called the "Hero of the East."

With 605,461 colored people on the island, 379,523 of them held as slaves, and this battle of freedom raging around them, the very flame and smoke of which offer them their only hope of deliverance, the bloody struggle must inevitably keep on increasing instead of diminishing, and all efforts of Spain to re-establish slavery on the old foundations once destroyed by the patriots must indeed fail, and unspeakable calamities will follow each unsuccessful attempt, until that day, whether immediate or remote, (for time works no interference with the providences of God,) when the shout of liberation shall arise all over the island and the chorus reaching our shores shall go swelling through the South like an army of angels making music with their wings.

The third preamble is so susceptible of direct proof, that I shall content myself with a few references only and extracts from official documents:

The war between Spain and Cuba has been and is now being conducted with a degree of barbarity shocking to all Christendom, and there is no reasonable prospect that Spain will ever be able to re-establish dominion over the people of Cuba.

The history of Spanish rule has ever been one of rapacity and cruelty in all her colonial possessions. Her peace is filled with violence and her wars with barbarity. From the treacherous murder of Ineas and Montezuma to the last dastardly assassination of Captain Fry and his companions, her record is one of continual blood and inhumanity. She commenced on one line of policy in 1850 with the

wholesale execution of Lopez and Crittenden and their followers, and has not swerved from it to the present day. Cubans taken prisoners are butchered on the battle-field, and Americans or foreigners captured in actual or constructive hostility are summarily executed as pirates, in violation of all civilized rules and international law. In January, 1869, the Spanish soldiers inaugurated a reign of terror in Havana, assassinating at theaters, in coffee-houses, and in the streets men, women, and children. In March three hundred persons of the best Cuban families were exiled to the island of Fernando Po, where more than half of them perished from cruelty and privation. In February, 1870, in Santiago de Cuba, eighteen prominent, rich, aged, and peaceful persons were executed without trial. During the year 1870 it is estimated that ten thousand unarmed and peaceful Cubans were shot by the Spaniards. In January, 1871, Colonel Alvear's Spanish troops murdered the ladies and children of the distinguished Mola family, whom they found on a plantation. In November the military authorities arrested and executed eight boys and condemned others to the chain-gang for the alleged offense of desecrating the grave of Castanon while as medical students they were playing in the cemetery.

The civilized world stood aghast at this incredible inhumanity. Behold the horrid picture, as drawn by Senator Benot in the Spanish Cortes itself:

Most of you, my lords, are fathers. Picture to yourselves in your mind's eye your sons being absent from the university of Havana in consequence of the absence of a professor, going in a spirit of boyish light-heartedness to a neighboring cemetery to play. Imagine for this irreverence, and a certain want of confidence that existed in the authorities, a ferocious and riotous mob taking your sons prisoners, subjecting them to a council of war, accusing them falsely of injuring the tombs. Imagine again the council of war acquitting them, and this savage rabble, worked up to a pitch of paroxysm at human blood being denied it, subjecting your innocent sons, after they had been acquitted, to another council of war, and there, at the point of the bayonet and under the fears inspired by the howls of these blood-thirsty hyenas, there condemning eight of your sons to death and the rest to the chain-gang! The children numbered forty-four, and the second council of war ordered them to draw lots who should die. Among the others it fell to the lot of two brothers, and the stony hearts of the judges even thinking it hard to deprive a father at one blow of both of his sons pardoned one of them; but in order that the number should remain correct they substituted for the pardoned boy another, because he happened to be somewhat older than the rest, without seeing or caring that they were breaking the heart of another father by murdering his innocent son—so innocent indeed that he had not even been in Havana on the day of the alleged demolition of the tombs. What should you say, O upright senators, who have grown gray in the administration of justice, if one of your sons had been condemned to death and shot like a dog for the fearful crime of being a little older than his unfortunate companions! Would to God that the bitter tale were hidden from all the nations of the earth!

In January, 1872, Captain-General Valmaseda issued a proclamation that every male person found away from his home should be shot, the women, if white, be put in prison and banished, and, if colored, to be condemned to the chain-gang for four years. In April Colonel Morales captured a place where twenty-five women, ten children, and six old men were living peacefully, and executed them all. During the year 1872 it is estimated that four thousand unarmed persons were shot by the Spaniards. In November, 1873, the American ship *Virginus*, with one hundred and fifty-six men on board, was captured by the Spaniards. Out of this number four were instantly shot without trial, and forty-nine more after a mock trial, and in utter violation of our treaty with Spain, were shot within a little more than one week after their unlawful capture on the high seas. Persons are tried and sentenced to death while absent or out of the country, children are immolated, judgment is passed upon the dead, the innocent suffer for the guilty, human ears are fried and eaten, and the only power is that of brute force in the lawless service of tyranny and plunder.

Here is another scene of barbarity, shocking to all Christendom:

SANTIAGO DE CUBA, November 15, 1873.

MY DEAR FRIEND AND BROTHER: I know you will pardon me for not answering your letter of last April, in which you desire "full information in regard to the massacre of the Grand Lodge of Santiago de Cuba and the present condition of their widows and orphans." When your letter was received it had the appearance of having been opened. This fact and the contents of the letter convinced me that if the reception of the letter by me was known by the governor, my life, in spite of my high official position, would not be worth a moment's purchase. I immediately burned the letter, and, beyond my usual correspondence on business-matters, have not thought it advisable to touch on matters and things of our unhappy island, much as I should have desired you to have the horrible facts to present them to the Grand Lodge of New York at their last sitting. But this, you know, was impossible, as every mail was searched, and life here is held of no value whatever. But the affairs of the last few days and the savage acts of the volunteers have compelled many to leave here secretly, as there is no knowing where this will all end, and by this mode I send this letter, though when it will reach you, God only knows.

The Grand Lodge in 1869 met here, as was their custom since their organization. They had never been disturbed by the government, although their time and place of meeting were well known to all of us. The night before the meeting I was informed that the arrest was to be made, and that, should there be any resistance on the part of the tiler to the free entrance of the officers, the troops were to fire into the building and burn it, with all those within. I personally informed the Grand Lodge of these intentions, and the next morning learned that they intended to hold their session with open doors. They did so, and were arrested and that night confined in the jail. The next morning they were informed that they should be taken to Havana for trial; but three hours after sunrise they were all taken outside of the city and shot. This act created considerable excitement at the time, but, as it was imprudent to speak of it, it was soon hushed up.

The families of those men thus shot were placed on trial for the act of the heads of those families, and, as a result, their property was confiscated; they were declared paupers, and at the same time the populace was forbidden, under pain of imprisonment, to render any of them any assistance. Thus, being deprived of home and shelter, food and the means of obtaining it, forbidden to leave the jurisdiction of Santiago de Cuba, these poor, helpless creatures sought shelter in the woods near here, and became one common family.

But the inhumanities, cruelties, and barbarities which these women and children

have been subjected to passed the belief of a civilized being. I could not describe what I have seen and been unable to prevent. All robberies are laid to their door, and even supposed robberies were gotten up, so that the chase of the blood-hound might be witnessed by the rabble, and the suffering of some one of the poor beings added to their thirst for morbid depravity. It was not two months after the executions that I saw one of the women, who was about to become a mother, placed between two boards, upon which sat a heavy, burly savage, surrounded by a dozen soldiers and several officers, who were trying to compel this helpless being to confess a crime of robbery which I had previously investigated, and could find nothing that warranted the belief of a robbery having been committed. Her dead body was left there, and, four days after, when the stench compelled its burial, it was found to have been partly devoured by dogs. Since that time to the present these poor creatures have been subjected to outrages beyond description or comprehension by the people of a community such as you live in.

ONLY A FEW LEFT.

There are now but few living, perhaps thirty to forty souls, though in 1869 they numbered in all over three hundred. Some died from starvation, others from exposure, while the majority of them were killed by blood-hounds, for it is one of the sports of these brutes to hunt these poor people as game. I have seen bodies of those thus killed whose sex could not be distinguished by reason of mutilation. An attempt to exterminate them was made a few days ago by the volunteers and some of the crew of the *Tornado*. When the *Virginus* was brought into the harbor it was made the occasion of great festivities, and liquor flowed freely. Toward midnight a party of three men, with hounds to hunt their victims, started for the woods. No one dared to prevent what it was known would follow. The next morning they boasted in the streets of what had taken place, and related with pride and pleasure the violence to which they had subjected these women and girls, some of the latter being only ten years old.

BURYING NINE VICTIMS.

With an associate official, we that afternoon proceeded into the woods, and ordered the burial of nine whom we found dead. Seven were suffering from violence that I cannot describe; one was black in the face, she having been choked to death, while another had her entire breast bitten off. I returned, sick at heart, unable to render the slightest assistance, though I had been compelled to look on with apparent indifference.

By means of negroes we render them what assistance we can. Clothing we cannot send, as this might be identified, but food and medicines we have so far been able safely to send through slaves, who have more pity for these beings than they who once shared the bounty and hospitality of those they now persecute.

I need not ask you to keep my name to yourself. You know where all the proof can be had of this and other matters. I have not gone into the matter in the full detail that the case deserves. If the people in the United States should petition their Government to give the moral influence of some kind of protection, the money could easily be had to either take them out of the country or provide for them without any expense to the community. In God's name, do what you can for humanity.

The Secretary of State, in a dispatch to the Spanish minister, October 13, 1869, says that the civil war in Cuba has continued for a year; battle after battle has been fought, thousands of lives have been sacrificed, and the result is still in suspense; and the minister is reminded of the frequency with which, in the interest of humanity, he has been obliged to remonstrate against the atrocities and cruelties which have attended the conflict in Cuba for the last year. The principle of neutrality has controlled the proceedings of the Administration, he says, with regard to the war in Cuba; but he cannot admit the indefinite protraction of a conflict such as has existed for the past year in that island, a conflict marked with cruelties, destruction, and devastation without parallel in modern civilized warfare.

The American minister at Madrid reminded the Spanish minister of state that this Government had before remonstrated against certain proclamations of the captain-general of Cuba that threaten a mode of warfare at variance with the recognized customs of civilized nations; and he protests with all solemnity, in the name of the President of the United States, against the deplorable excesses which have thus far characterized the war in Cuba, and insists, in the name of humanity, while hostilities are prolonged, that the war shall be conducted in a manner more in accordance with the humane and Christian sentiments of the age. For nearly a year the insurgents have maintained themselves against all the forces which Spain and the Catalan volunteers have been able to put into the field against them. In the judgment of the President, in which the whole civilized world will coincide, the time has come, he says, when this struggle shall be carried on in a more humane way. To shoot prisoners of war simply because they are taken with arms in their hands is not in accordance with the custom of the Christian world. We have a right on our part to insist that Spain shall carry on this war hereafter in a manner more in accordance with the humane and Christian sentiments of the age. And the Secretary of State, Mr. Fish, in his dispatch of November 12, 1873, to our minister, Mr. Sickles, declares that such wholesale butchery and murder are almost incredible; that it would be wholly incredible but for the bloody and vengeful deeds of which Cuba has been the theater, and that no government deserves to exist which can tolerate such crimes.

The fourth and last preamble of the resolution is as follows:

In consequence of the proximity of the seat of war to the United States the war has been and is injurious to the interests of the people of the United States, and it is evident that a prolongation of the contest will result only in great suffering and bloodshed, to be followed by the ultimate recognition of the independence of Cuba by Spain herself.

The proximity of the island of Cuba to our own country, commanding as it does the approach to the Gulf of Mexico and barring the entrance to the Mississippi River, which drains half of the North American continent and is the great highway of commerce of the Western States of this Union, forces the question of its condition and destiny upon our most serious consideration and invests this question with interests peculiarly American.

This island keeps watch at the door-way of all our Mississippi, Gulf, California, and South American commerce, and nature and necessity

will ever demand that it shall be the friend and ally of the United States, and its enemy never.

The prolonged war in this important and neighboring island has been and is injurious to the interests of the people of the United States, and its indefinite prolongation, with all its destruction of productive industries, its horrors and barbarities, must be firmly discountenanced, for the potent voices of humanity and commerce demand it. What greater agencies controul the destiny of nations than the Christian sentiments born of a common humanity, and the interests of trade which marshals the money of the world? Under the present war of extermination and ruin, as it draws its bloody length along from year to year, with neither conquest on the one side nor independence on the other, no nearer success than five years ago, American citizens are suffering in life and property, and the treaty obligations to this country are violated with daily defiance and thus far with impunity. We desire no hostile attitude between the United States and Spain, and only from a sincere regard for the mutual interests of peace do we desire a speedy termination of hostilities in this unhappy island, and in the light of the past experience and the unconquerable difficulties in the future it would seem that the Spanish Cortes itself must see that this war can only be a fearful waste of blood and treasure for a time, to end at last with exhaustion and the expulsion of its flag from this Gem of the Antilles.

Torn by civil war and contending armies, with no established form of government or fixed rule at home, how can Spain have any reasonable hope to subdue this revolution in Cuba? Can it be expected that the republican governments in this hemisphere will have more regard for the pride of a decayed monarchy or an insincere and insecure republican dictatorship in Europe than for their own sense of justice and political and commercial interests?

All nations steer their policy by the compass of national interest. European diplomacy is nothing but a network of self-interest, frequently torn by mighty wars but quickly repaired by the oft-renewed treaty, and thus treaties, intrigues, and wars hold their perpetual successions, like the rotations of the seasons. Our hemisphere has no such network of international dangers. With a simplicity and uniformity of government in every portion of it, and entangling alliances with no European systems, our national existence may ever be characterized by the successful study and fruition of the highest happiness attainable by the science of government.

But can the United States be indifferent to an indefinite protraction of this contest in Cuba? Has its continuance for five years been injurious to the interests of the United States? In the statesmanship of every country two questions are always prominent, and cannot be exceeded by any other considerations, that of national safety and national revenue. The preservation of our institutions, and the extension and protection of our trade are the vital organs in the body of our country's welfare itself, and these being more directly under the guardianship of the representatives of the people demand our first solicitude and maturest reflection.

The interests of a country consist not alone in the profits of business, and the collection and disbursement of its revenues, but also in the contentment of its people, in the uncompromising protection of their rights abroad, in the undoubted power and disposition of its government, and in the respect and inviolability of its flag upon all the waters of the globe.

All of these interests of the United States have suffered most injuriously, and must continue to until the conclusion of this mad contest in the very pathway of our commerce and on the very threshold of our bordering sea of the south.

The danger confronting us is an outburst of hostility at any moment between the United States and Spain, and all on account of complications arising out of the present condition of Cuba and our inseparable relations with that island. To avert this danger, which is not appalling to our power, only discordant to our cherished policy of peace, the early tranquillity of this island is a question for our serious contemplation. As lovers of our country, we will at least not hesitate to initiate the process of pacification, or, better still, the peaceful process of independence in Cuba before we ourselves are drawn unwillingly into the vortex of war. But shall this pacification be secured by the defeat of liberty or the expulsion of despotism; by the triumph of the patriot or the victory of the ineffable tyrant?

Our obligations of amity and treaty have ever been scrupulously observed toward Spain through every administration of the Government to the present. Spanish citizens have not been molested nor their property disturbed; but so freely have they mingled in the enjoyments and rights of our institutions that their distinct presence has not even attracted our attention. If any complaint could be made it could only be at the excessive regard generally shown to the side of the Spaniard at the expense of our own citizens. So intense has always been our desire for amity and peace that in all differences between our citizens and the government of Spain since 1850, she received invariably the benefit of our indifference or our silent discrimination in her favor.

Charity flows from liberality, and magnanimity from strength, but there are moments in the life of nations as well as in individuals when charitable virtue must cease, and the preservation of vital interests can be no longer deferred. This I solemnly believe is the decisive moment in our relations with the Spanish government in the island of Cuba, when we should act in a spirit of no unkindness but firmness and fidelity for the security of our own safety and commercial interests.

This constant war and irritation in Cuba unfits the captain-general and his myrmidons from the calm consideration of all questions relating to the United States. Irresponsible as is this military despot, he suddenly aggresses upon our rights, violates our treaties, assassinates our citizens, and then pleads his want of power for reparation, and serenely refers the nations demanding redress to another hemisphere, to a disrupted government that may or may not at the time have a temporary head at Madrid. The captain-general has unlimited power for good or evil, but none for restitution, and the answer to all just complaints from the home government are only the repetition of excuses rendered by inferior officials to their superiors.

It ever has been, on the part of Spain, a disregard of justice to all friendly nations, to provide her representative in Cuba with such extraordinary powers, and in case of injuries to make no provision for prompt redress.

In 1851 nearly four hundred American citizens landed upon the shores of Cuba, under the leadership of Lopez, to assist the oppressed Cubans in an uprising for liberty. Their unfortunate fate is well known, having been captured and summarily executed. General Crittenden with a number of his companions, was also about the same time captured—not as soldiers, but unarmed—on the island of Contoy, belonging to Mexico, and after a mock trial before a military tribunal were basely murdered; and the gallant Crittenden, when ordered by the Spanish executioner to kneel down, exclaimed with indignation, "I kneel to none but my God."

Following close upon these outrages two American vessels, the Susan Loud and the Georgiana, were seized upon by the Spanish authorities while lying off the coast of Yucatan, and the officers and crew subjected to the most ignominious and inhuman treatment upon the suspicion that they were concerned in the Lopez expedition. Next, the Falcon, a United States mail-steamer, was fired into by a Spanish vessel without even a specious pretext. United States mail-bags were next forced open by the Spanish authorities, the mail overhauled and examined for the avowed purpose of preventing the reception and transmission of any communication or news except only such as the captain-general should deem proper. About the same time the United States steamer Crescent City was refused a landing at Havana with her passengers and mails because the purser of the boat was obnoxious to the Spanish authorities, by which act our postal and commercial arrangements were interrupted and our private citizens deeply injured. The United States Steamer Black Warrior was next fired upon by a Spanish war-steamer, the vessel seized, and the property of our citizens for a time confiscated.

In this way from time to time has our flag been insulted and our confidence and friendship abused by a weak Spanish neighbor, toward whom we were ever just and indulgent in all our intercourse.

The consul-general at Santiago de Cuba informed the Secretary of State in June, 1869, that three American citizens were publicly shot without trial, having been taken prisoners at Ramon.

Speakman, a native of Pennsylvania, a perfectly innocent man, was cruelly murdered after the formality of a trial that amounted only to a farce. Mr. Cohnner, the well-known American artist, was assassinated in the streets of Havana, in 1869, only in pursuance of that Spanish habit of insulting, plundering, and killing our citizens. The brutal butchery of Greenwald, because he was thought to be an American, and the treatment his dead body received, as well as the attempted assassination of other American citizens who were his companions, are yet well remembered by the country. In March, 1869, the American brig Mary Lowell was captured and condemned as a Spanish prize. This act was more in contravention of international law than even the seizure of the Virginus.

More recently the American steamer Aspinwall was seized by a Spanish war-vessel on the high seas upon the suspicion that she had arms and ammunition for the Cubans. She had no contraband goods on board, and was accordingly released after having been taken to Havana; but no reparation has yet been made, in answer to the demands of this government, for the wrong done to our commerce and the national flag.

And more recently the capture of the steamer Virginus on the high seas, carrying American papers and the American flag as evidence of her nationality, by the Spanish war steamer Tornado, and the hasty murder of fifty-three of her passengers and crew for no crime actually committed or known to international law, is still fresh in the minds of the people, and needs but this allusion at my hands.

But a few months ago a prominent citizen of my own State set foot on the island of Cuba in pursuit of his legal business, having been employed to attend to some embargoed interests belonging to his countrymen. Crossing through the island from Havana he reported himself at the office of the American consular agent at Nuevitas; whereupon both he and our agent were arrested by the Spanish governor, although the agent was subsequently released. But the undignified treatment of American official representatives in Cuba is not an unusual thing.

Only two years ago the American vice-consul at Santiago was compelled to seek safety from personal violence by seeking refuge on board of a French frigate, and the American consul-general at Havana received about the same time from the British naval officers the assurance of their protection and the offer of a file of marines to protect him whenever it became necessary to seek his safety on board a British man-of-war. A state of affairs in which such outrages can possibly occur is indeed but a smoldering magazine from which the explosion of war may come upon us at any hour in the day.

This maltreatment of our consuls and inhuman murder of our citizens is not only a wanton indignity to our Government, but is wholly in willful violation of the most solemn treaty stipulations.

Article 8 of the treaty of 1795 with Spain is as follows:

And in all cases of seizure, detention, or arrest for debts contracted, or offenses committed by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases. The citizens and subjects of both parties shall be allowed to employ such advocates, solicitors, notaries, agents, and factors as they may judge proper in all their affairs, and in all their trials at law in which they may be concerned before the tribunals of the other party; and such agents shall have free access to be present at the proceedings in such cases, and at the taking of all examination and evidence which may be exhibited at the said trials.

No language could be clearer or more comprehensive:

In all cases of offenses committed by any citizen within the jurisdiction of the other, the same shall be prosecuted by authority of law only, and according to the regular course of proceedings usual in such cases.

Need I say that our countrymen so ruthlessly slain in Cuba were for the most part captured on the high seas, without arms in their hands, and outside of the limits of Spanish jurisdiction; and when carried on land often no trial was had, no charges were preferred; while at others no examination or evidence was had, and the condemned were never permitted even to see the unusual and extraordinary tribunals that passed judgment upon them? In this way has American blood been wantonly shed in contempt of our flag and in foul treachery to the requirements of a mutual treaty.

To-day the fate of F. A. Dockray, an able, accomplished, and gallant citizen of my State, who was arrested at Nuevitas, is still undecided, one military tribunal having condemned him in violation of the safeguards of the treaty, though through the energetic interposition of our Government he will be accorded another trial, which I pray may result in his acquittal, for the prayers of a stricken father and agonizing mother are ascending hourly to Heaven for the preservation of their only child to comfort them in their old age.

Sir, it is not in human foresight to see how long this country and Spain can maintain peaceful relations with such a train of outrageous occurrences passing between them. It calls for the wisdom of both nations to devise a speedy remedy for a mutual extrication from this threatening dilemma. Our remedy lies in the passage of this resolution.

Wisdom and forbearance can devise nothing better. To this complexion it must come at last, and it were better that the American Congress now rise in moral grandeur and determination equal to the exigency, rather than that the coming year shall see another hecatomb of our citizens slaughtered in cold blood, shall behold our commerce crippled and our flag still more disgraced, only to be confronted at the next session by an inexorable necessity to take this very step.

Our commercial interests must suffer great injury by the indefinite continuation of this struggle in Cuba. Liberty and commerce preserve the life of the nation, as freedom and circulation the healthy life of the individual.

The best evidence of the progress of a nation is to be seen in the steady extension of its commerce, and its first signs of decadence in its shrinkage.

The commercial pursuits of this country have been steadily progressing, as seen by our gradual increase of American tonnage from 1,368,127 tons in 1815 to 5,353,868 tons in 1860, while during the war, for obvious causes, our tonnage decreased; but since the close of the rebellion we are again in the line of recovering our former proportion. Our foreign commerce has always been on the increase, and the loss of national tonnage did not retard the constantly increasing value of our exports and imports. In 1850 the value of this commerce was \$330,037,038; in 1860, \$762,288,550; and in 1873, over \$1,300,594,864. With the exception of Great Britain the most important and valuable of our commercial exchanges is with the inexhaustible island of Cuba.

Our trade for 1873, excepting again Great Britain, with seven of the principal commercial countries; as rated by their exchange of products with the United States, represents their relative importance as follows:

| | |
|------------------|--------------|
| China..... | \$28,267,023 |
| Japan..... | 16,917,432 |
| Italy..... | 15,215,639 |
| Spain..... | 15,019,155 |
| Russia..... | 13,976,545 |
| Austria..... | 2,390,014 |
| Total..... | 91,785,808 |
| Cuban trade..... | 107,500,000 |

In a commercial point of view, then, our trade with Cuba alone is \$5,714,192 greater than that of the six other of our best customers combined.

The following official table serves to show to what extent our shipping is engaged in the carrying trade of Cuba—more than double that of Spain, and more than fourfold that of England and France:

Entrance and clearance of vessels in the ports of Cuba during 1847.

| Countries. | Entrance. | Clearance. |
|--------------------|-----------|------------|
| United States..... | 2,012 | 1,722 |
| Spain..... | 819 | 751 |
| England..... | 563 | 489 |
| France..... | 99 | 81 |

The United States imported from Cuba in 1873 1,454,124,259 pounds of raw sugar, valued at \$77,953,470; also 43,533,909 gallons of molasses, valued at \$9,901,051; also 113,670,829 pounds of melada valued at \$4,722,165; total, \$92,500,000; and imported from all the rest of the world \$19,072,920 of sugar and molasses. American ships alone carried 795,000 tons of this freight, and at the usual rate of five dollars per ton our shipping earned nearly \$4,000,000 in the transportation of this one product of traffic between these two countries.

In 1873 the United States exports to Cuba amounted to more than \$15,000,000, and estimating the inhabitants at about 1,200,000, the rate was over twelve dollars to each one of her population.

Our exports to Germany with its 45,000,000 of people were \$61,767,997, or at the rate of one dollar and thirty-eight cents per head, and to France with her 38,000,000 of people our exports amounted to \$33,000,000, or at the rate of less than one dollar per head.

The magnitude of our trade with Cuba may have escaped attention in our more eager gaze at the brilliant enterprise of bringing the fabulous wealth of the Orient through the golden gates of San Francisco, and yet the figures prove that our traffic with this island is more than twice as valuable as that of China and Japan combined.

Other nations, as wise and enlightened as we are, do not scruple to engage in war for no other purpose than really to open new avenues for commerce and to drain the source of new riches into their national coffers, and yet the United States Government hesitates to extend even the hand of moral fellowship to a people who individually are of more importance to this country in a commercial calculation than either the Chinese, Spanish, Germans, or French combined.

The English embark in war in Asia to compel an unwilling people to become opium-eaters for the benefits of the English treasury, and yet we, who are no better Christians, and not half as good political economists as our consins across the Atlantic, shrink from speaking one word of recognition and encouragement to a brave people from whom we receive three-fourths of that indispensable article, sugar, consumed in this country, and who are self-sacrificing devotees to our own republican form of government.

Shall this Government stand by in stoic unconcern and witness the sure and gradual destruction of its important and essential commercial interests in Cuba, or shall we pass this resolution, a simple, peaceful act in itself, usual and rightful between nations, without cause for offense on the part of Spain, but which act will become an event, and will herald the not distant independence of Cuba as the stimulating sunshine of spring heralds the glorious harvest of the summer?

Our peace and vital interests require protection, but not by interference. The simple passage of this resolution will hedge our interests with all the potency they require, and develop others to a greatness unthought of before. Our policy is peace and protection. What the course of the British government would be under the like circumstances now surrounding us may be easily inferred from their position held in 1821, and announced to the allied powers of Europe. They said no government was more prepared than their own to uphold the right of any state or states to interfere where their own security or essential interests were seriously endangered by the internal transactions of another state.

Again, it can easily be demonstrated that it is not among the possibilities of Spain, with all her superiority of arms and discipline and navy, to crush this spirit of independence in Cuba, or to subdue the present military opposition to her authority.

The decrepitude and instability of Spain herself is the strongest proof in support of this assertion. With imperialism and democracy at war in the mother-country, and all probabilities so uncertain even that no reasonable prediction can be ventured upon the issue, where are the material and strength to come from for the ultimate subjugation of this heroic people? Ultimate even, for time brings legions and strength to the Cuban and weakness to the Spaniard.

Said Señor Garrido in the Cortes over a year ago:

The Cubans have the same right to administer their island as we have to govern and administer our provinces and local interests. Against tyranny there is always the right of rebellion, and we who for fifty years were always rising against despotism cannot deny the right of rising to those whom we ourselves oppress. You say you want twelve thousand more men to crush the Cuban insurrection; but this insurrection has already existed four years, and now you come and tell us that you want twelve thousand men to subdue it, besides the fifty thousand or more that you have sent already. I can tell you that the question of Cuba is for you an insoluble one; you may send your twelve thousand men there as you have sent many times twelve thousand already during the last four years, but you will not settle the question for all that.

Said Senor Eduardo Benot, in the Spanish senate:

We have lost in the Antilles thousands and thousands of brave soldiers; Cuba is the tomb of the Spanish youth, the grave of the Spanish army. What have we gained after all by wresting from the Cubans their inborn rights which, try as we may, must still be theirs? We have won the right of being held up as the most inhuman people in all civilization.

In 1869 General Prim stated to the Cortes that Spain had sent 34,500 men to re-enforce the army and navy in Cuba, and the whole Spanish forces employed in Cuba since the commencement of the revolution number over 107,400, from their own estimates. The Cubans commenced with a body of 147 armed men, and to-day have 17,250 well-armed men under an able and successful commander-in-chief, General Maximo Gomez, 3,000 of whom are an efficient and formidable cavalry, whom the Spanish soldiers describe as "men on horseback, without guns, fighting like devils."

In 1870, when the revolution was weaker than to-day, and when

Spain had an established government and peace at home, Mr. Sickles, our minister at Madrid, informed our Government that the Spanish campaign in Cuba had failed, and that their great reliance was then on the thirty gun-boats lately built for Spain in the United States.

What has become of these 107,400 Spanish troops? The captain-general in his official report of 1869 accounts for 14,000 as having been lost by disease and battle during that year. In the absence of further official reports from this military functionary upon the subject, it may not be unreasonable to conclude that 14,000 at least followed each year in the same wake, which for the years 1870, 1871, 1872, and 1873 would amount to 56,000 more as mustered out by battle and disease.

When is it possible for Spain, disrupted in government and dishonored in credit, to send out 107,400 soldiers more for the conquest of disease and the patriots? Will it be when Don Carlos and Marshal Serrano shall meet in armistice and each contribute his quota of troops for the expedition?

Captain-General Jovellar lately resigned his position as governor of the island, being convinced that Spain cannot now, and I assert never can, furnish the requisite men and money to maintain her sovereignty in Cuba.

Sir, a people whose cause is just, once baptized in the blood of liberty, are ever invincible, and tyrants from all ages and nations can bear unwilling testimony to this truth. For seven years our fathers persevered amid the varying fortunes of war for the boon of liberty we, their descendants, now enjoy, and who will say that the devotion to independence is less intense in Cuba than it was in our Colonies, with all their superadded suffering and political degradation to nerve them on to victory or death?

It is not in Spanish power to again enslave this people, six hundred thousand white and six hundred thousand colored, who fight with such persistent desperation, whose commissary is the bountiful fruitage of a tropical clime, who have such inapproachable fastnesses for safe retreat and as a constant basis for renewing operations, and whose faithful ally in the destruction of their unacclimated enemies is that fearful scourge of the tropics, the yellow-fever.

The future of poor Cuba may yet be darkened for years with more blood and anarchy, which merciful Heaven forbid! but the final blessing upon all this martyrdom must come at last as certain as that immutable justice is an attribute of God.

Sir, the natural right of revolution is recognized by all international jurisprudence, and no cause for revolt more just than that of Cuba stands recorded in the annals of the world. If there ever was an occasion that justified a revolution, that called upon a people to recur to first principles and seek relief from the abuse of power by an appeal to arms, this was one. The spirit of resistance was not evoked by any question of abstract rights, but from actual suffering and grievous oppression in the administration of justice, in agriculture, in commerce, and in every pursuit of happiness.

Wars were formerly fought for families and dynasties, for the rights of thrones and the prerogatives of crowns; now men fight for written constitutions, for the rights of men and the prerogatives of nations, and fighting learn to govern for themselves.

Shall this brave people of both races who for nearly six years have been fighting for the creation of a new nation, and who in their final triumph will cease to be Spaniards as well as slaves, continue yet another year without one word of sympathy from us, simply because we brook the spontaneous expressions of our own hearts and judgments in most unnatural deference to the opinions of European monarchies?

The very fact that such powers are the enemies of liberty everywhere is the very reason why our great nation should be its friend. Monarchies are always swift in the recognition of new governments in political affinity with their own, regardless of the question of their birth, whether by statecraft, as Amadeus of Spain, by usurpation as Napoleon III of France, or by invasion and attempted conquest of a sister republic as Maximilian in Mexico. Shall we, from fear of European criticism or for want of moral stamina in the exercise of our prerogative, turn a deaf ear for another year to the crying appeals of liberty in Cuba, or shall we rather, imbued, as I know we are, express the same noble sentiments as uttered by the Father of his Country on the presentation of the French flag to our Government in 1796:

Born in a land of liberty, my anxious recollection, my sympathetic feelings, and my best wishes are irresistibly excited whenever, in any country, I see an oppressed nation unfurl the banners of freedom.

Why hesitate in this act of justice to a struggling nation who for six years have been fighting for their own liberty and for the freedom of over a quarter of a million slaves?

Who doubts that if France or Prussia or Holland had treated our revolutionary fathers with the same indifference and delay in the acknowledgment of their independence as the Congress of the United States has shown toward Cuba that George Washington and his illustrious compeers would have died ignominiously as traitors upon the scaffold, and their marble statues that now honor this Capitol would be unhewn blocks in the quarry and their monuments, like that of the adored Emmett, would yet be unsculptured and unepitaphed?

Benjamin Franklin, declining to receive back a sum of money which he had loaned to a poor and worthy man, upon tender of its payment

exclaimed, "I do not need it; pass it round among other poor and worthy people who are in distress."

What was our condition and prospect of success before the sun of foreign recognition rose above the horizon of our Colonies? Says Hildreth, the historian:

November, 1776.—Washington's army was by this time greatly reduced. The term of service of the militia was fast expiring. The whole flying camp soon claimed their discharge, and no inducement could procure a moment's delay. Some of the New York militia refused to do duty. Howe, they said, offered peace, liberty, and safety; so they understood his proclamation, and what more could be asked? The Continentals were enlisting for a year, and their term of service was fast drawing to a close; nor did they always wait to complete it, desertions being very numerous. Exclusive of the divisions of the highlands, and the corps under Lee on the east side of the Hudson, Washington's army did not exceed four thousand men.

In December Washington made the memorable retreat across the Delaware, while the principal cities of the country were one after the other falling into the hands of the enemy; and at the expiration of the year the same historian describes the following situation:

The Howes issued a new proclamation. The speedy triumph of the mother-country seemed certain, and many persons, those especially of large property, including several who had taken an active part in the Revolution, hastened to make the required submission.

Turkey, president of the late New Jersey convention, which had sanctioned the Declaration of Independence and formed the State constitution, now abandoned his country's cause and took a British protection. So did Allen and Galloway, late delegates from Pennsylvania to the Continental Congress. For ten days after the issue of the proclamation two or three hundred persons came in every day to take the oath.

At this critical juncture in our liberty's history the opportune recognition and friendship of France alone saved us from disintegration, defeat, and the ignominy of death on the scaffold.

Pass the blessing of liberty round through the hemispheres and the islands, wherever a gallant and worthy people strike and ask for it. Liberty sped from France to our shores upon the wings of their recognition of our independence. Let us speed liberty to Cuba upon the wings of the passage of this resolution, and the stars that this night keep watch over that bleeding island will sing the song of salvation in the morning, as the morning stars sang together over the birth of a Saviour at Bethlehem.

We, as a nation, are the beneficiaries of Providence, as was he to Franklin, who received a valuable favor at his hands. To have pocketed the money and been indifferent to worthy and distressed neighbors, would have stamped him with the moral crimes of theft and ingratitude.

To enjoy our freedom in arrogance and be indifferent to the distressed republic of Cuba, when by this simple recognition of their independence we could bless them as France and the other nations blessed us, would it not be undeservedly stamping this country as guilty of baseness and ingratitude without parallel in the annals of the Christian world?

No American colony ever achieved its independence without the friendly assistance of other nations.

Greece received material aid in armies and ships, even more than the simple recognition that Cuba pleads for, from the allied powers in Europe against Turkey. And this interference, not recognition only, is justified by our most authoritative commentators upon international law.

The assistance that England gave to the United Netherlands when they were struggling against Spain, and the assistance France gave to this country during the war of our Revolution, were justifiable acts, founded in wisdom and policy. And equally justifiable was the interference of the European powers of France, Great Britain, and Russia, in favor of the Greeks against the Ottoman Porte, by the treaty for the pacification of Greece concluded by those three Christian powers in 1827, and by means of which a ferocious and destructive war was terminated by the independence of the Greek state as a new kingdom, and a recognition of that independence by the Ottoman Porte in 1832. So, also, there was a successful interference in 1840 of four of the European powers, Austria, Great Britain, Prussia, and Russia, in the civil war between the Ottoman Porte and Mehemet Ali, the Pasha of Egypt. And lastly, there was the memorable interference of the five great European powers in the Belgian revolution of 1830, which ended in the separation of Belgium from Holland, and the establishment of the same as an independent state.—*Kent's Commentaries*, volume 2, page 23.

The South American Spanish colonies for years before their independence was even recognized by Congress, received such assistance from the United States as was obtainable under the following instructions issued by President Madison on the 3d of July, 1815.

Cuba will be content with the same assistance and her independence would be assured under similar presidential instructions at this time, though I believe it is the imperative duty of Congress to accept the responsibility of this question and to inaugurate a new policy in our relations with Cuba which the Executive of the Government would faithfully carry out as the expression of the will of the people:

There is no principle of the law of nations which requires us to exclude from our ports the subjects of a foreign power in a state of insurrection against their own government. It is not incumbent upon us to take notice of crimes and offenses which are committed against the municipal laws of another country, whether they are classed in the highest grade of treason or in the lowest grade of misdemeanor. Piracy is an offense against the law of nations, and every civilized government undertakes to punish the pirate when brought within its jurisdiction; but an act of revolt, a rebellion against a sovereign, must not be confounded with an act of piracy, which is denominated hostility against the human race.

Any merchant vessel, therefore, which has not committed an offense against the law of nations, being freighted with a lawful cargo and conforming in all respects to the laws of the United States, is entitled to an entry at our custom-houses, whatever flag she may bear. She is also entitled to take on board a return cargo and to depart from the United States with the usual clearance.

The President desires that you will regulate your official conduct upon the principles that have been stated; but if any extraordinary case occurs, you will report it to this Department with all possible dispatch.

I am, very respectfully, sir, your obedient servant,

A. J. DALLAS,
Secretary of the Treasury.

P. L. B. DUPLESSIS, Esq.,
Collector, New Orleans.

It may be asked what benefit will the passage of this resolution be to our struggling political brothers in Cuba, and wherein is their independence so surely to follow? Sir, ever since this struggle our country has been in the unmanly attitude of holding the Cuban down while the Spaniard is fighting him. We have long felt the meanness and unmanliness of our false position; but they say it is our treaty obligation to Spain that compels us to violate our conscience by opening our doors and stores to the Spanish slaveholder, while to the poor slave and the Cuban we must sell or give nothing, not even a cup of cold water or kind expression of sympathy. Shameful attitude in the eyes of our own self-respect! How must we, the giant and paternal republic of the New World, appear in the estimation of the weak but chivalrous republics of Mexico and South America, who long ago recognized the belligerent rights of the infant republic of Cuba?

Spain has all the privileges of trade and facilities in the ports of the United States, replenishes her war stores, and repairs her ships of war in American ports whenever necessity may demand; and with her thirty gun-boats, built but a few years ago for her in the United States, she has indeed every advantage, except in valor on an equal battle-field, over the Cubans, who are not allowed by the guardians of the law and the treaty to receive any instruments of warfare, either by purchase or contribution, from liberty-loving friends and sympathizers.

But the most ridiculous posture in which diplomacy has placed us is, that while we are stooping over to hold the poor Cuban on his back, and all in zealous and delicate fulfillment of the treaty, the haughty captain-general kicks us in the back, while his Catalan volunteer sticks a knife between our shoulder, and then blusteringly refers us to Madrid for apology or redress; and to Madrid we go only to find a government that stands more in awe of the captain-general than he does of it.

Under such humiliating circumstances what American does not admire the Roman spirit of that grand old Senator, Thomas H. Benton, who on the floor of the American Senate, in a debate upon the resolution for liberty in the Spanish South American provinces, said:

In such a case I declare it to be my sentiment that treaties are nothing, books are nothing, laws are nothing; that the paramount law of God and nature is everything; and that the American soldier, hearing the cry of helplessness and weakness, and remembering only that he was a man born of woman and the father of children, should fly to the rescue, and strike to prevent the further perpetration of crimes that shock humanity and dishonor the age!

With the passage of this resolution will come the proclamation of equal privileges and advantages in all ports and places within the United States. Impartial neutrality will then be observed by our Government between the Cuban and the Spanish belligerents, and equal liberties to pursue the operations of war and purchase military stores will be accorded to both parties. With this recognition will also follow an observance of the rules of civilized warfare on the part of Spain, and her now unchecked barbarities would cease, or interference would be justifiable on the part of enlightened nations as in the case of Greece in her war of independence against Turkey.

This would be placing the oppressor and the oppressed upon an equal footing, and nerved by love of liberty and valor, and cheered by the certainty of fair play, how long would it be before the prowess of the Cubans and the hosts of their friends who would spring out of the earth like the mailed warriors that sprang from the sowing of the dragon's teeth would plant the flag of victory over every rood of that glorious island.

Did not Mr. Webster, the ablest lawyer and most learned diplomatist, as Secretary of State, declare to the British minister, Mr. Fox, in 1841, as follows?

It is well known to Mr. Fox that authorities of the highest eminence in England, living and dead, have maintained that the general law of nations does not forbid the citizens or subjects of one government from taking part in the civil commotions of another.

But I am done. Whatever our action may be upon this resolution, while its passage would be like the outburst of the sun upon the mariner laboring for safety in a mighty storm, nevertheless the failure of its passage will not put out a single camp-fire of liberty on that devoted island. God and the American people will still keep watch over it, until the fullness of time shall bring it triumphantly into the family of nations. I believe this glorious time is not far distant, for the mills of the gods have ground slowly but surely for six years, and the upper and the nether mill stone will soon come together.

Under no possible contingency, without involving the interests and safety of the United States in constant jeopardy, can our Government much longer subordinate its sympathy and recognition of independence to the haughty behests of diplomacy, for the impulses of political and human nature toward this kindred people in Cuba are stronger than the webs of heartless diplomacy, and American patriotism stands ready to enthusiastically assume the responsibility.

LEAVE TO PRINT.

Mr. DAVIS, by unanimous consent, obtained leave to print some remarks on the civil-rights bill. (See Appendix.)

Mr. ROBINSON, of Ohio, by unanimous consent, obtained leave to print some remarks on the charge of bigamy against the Delegate from Utah. (See Appendix.)

Mr. MERRIAM, by unanimous consent, obtained leave to print some remarks. (See Appendix.)

Mr. HERNDON, by unanimous consent, obtained leave to print some remarks upon the republican party, its mission ended without the necessary constituent elements for future success. (See Appendix.)

And then, on motion of Mr. NILES, (at twelve o'clock and five minutes, a. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BUTLER, of Tennessee: The protest of Creek, Choctaw, and Cherokee delegates, against the allotment of their lands and apportionment of their national funds as proposed in House bill No. 2143, to the Committee on Indian Affairs.

By Mr. CLEMENTS: The petition of Grenville M. Weeks, of Washington, District of Columbia, for the correction of an unjust and contradictory proviso in the pension laws, to the Committee on Invalid Pensions.

By Mr. CRUTCHFIELD: The petition of W. H. Mayett and others, for an appropriation to pay the amounts respectively due them for labor done on the Tennessee River between Chattanooga and Kingston, Tennessee, to the Committee on Commerce.

By Mr. GARFIELD: The petition of working men of Mineral Ridge, Trumbull County, Ohio, for the restoration of the 10 per cent. duty on iron and steel and for free banking, to the Committee on Ways and Means.

By Mr. PLATT, of Virginia: The petition of James Shickler, late of Company K, First United States Infantry, for bounty money, to the Committee on Military Affairs.

By Mr. SCUDDER, of New York: The petition of William Garratt, for arrears of pension, to the Committee on Invalid Pensions.

IN SENATE.

SATURDAY, June 20, 1874.

The Senate met at eleven o'clock a. m.

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

On motion of Mr. SPENCER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

SUSPENSION OF JOINT RULES.

Mr. WEST. I offer a resolution concerning the order of business and ask its immediate consideration:

Resolved by the Senate, (the House of Representatives concurring.) That the sixteenth and seventeenth joint rules of the two Houses be suspended for the residue of the present session.

The resolution was considered by unanimous consent, and agreed to.

The joint rules referred to are as follows:

16. No bill that shall have passed one House shall be sent for concurrence to the other on either of the last three days of the session.

17. No bill or resolution that shall have passed the House of Representatives and the Senate shall be presented to the President of the United States, for his approval, on the last day of the session.

WASHINGTON CITY AND POINT LOOKOUT RAILROAD.

Mr. HITCHCOCK. I move that the Senate proceed to the consideration of House bill No. 3025.

The motion was agreed to; and the bill (H. R. No. 3025) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873, was considered as in Committee of the Whole.

The bill had been reported by the Committee on the District of Columbia with amendments. The first amendment was to strike out the following words from line 35 to line 42:

And that all the rights conferred by this act are to be exercised and enjoyed by said company only upon the condition that said company shall first remove all the work it has done toward locating its track between the Insane Asylum and the Potomac River, and on the further condition that it shall never locate or operate said road, or any part thereof, between said asylum and the Potomac River.

And in lieu thereof to insert:

And provided further, That said Washington City and Point Lookout Railroad Company shall construct its railroad in the county of Washington herein authorized so that wherever it shall cross any public road it shall cross the same by an over-grade or under-grade crossing, by bridge or tunnel, so as not to impede public travel upon said roads, and shall construct that part of said railroad along Rock Creek, in the valley of said creek, passing west of the P street bridge, by a tunnel through the hill west of said P street bridge; and said road crossings and said tunnel shall be located and constructed in accordance with plans and specifications to be first approved in writing by the engineer in charge of public buildings and grounds.

Mr. EDMUNDS. I do not know anything about this bill; but I tried yesterday morning to have the Senate go to the Calendar of unobjectioned cases in order that we might with justice to all dispose of matters reported to which there is no objection. Now, in order to test the