Mr. LOUGHRIDGE stated that he was paired with Mr. SCOFIELD, who desired to leave the House; and that while he would vote in the negative Mr. SCOFIELD would vote in the affirmative.

Mr. PACKARD stated that he was paired with Mr. WOLFE, who would vote in the negative, while he would vote in the affirmative; and also that his colleague, Mr. WILLIAMS, who was confined to his house by sickness, would if present vote in the affirmative.

Mr. STONE stated that Mr. LAMISON, who was necessarily absent, would if present vote in the negative.

The vote was then announced as above recorded.

Mr. DAWES 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.

PRINTING OF DOCUMENTS.

Mr. GARFIELD. I move by unanimous consent to take from the Speaker's table the amendments of the Senate to the Indian appropriation bill and refer them to the Committee on Appropriations without printing, as they have been already printed by order of the Senate.

I move also to take from the Speaker's table the amendments of the Senate to the post-office and Military Academy appropriation bills, and that they be referred to the Committee on Appropriations and ordered to be printed.

I also move that the report of expenditures for the fiscal year 1872, which was referred to the Committee on Appropriations to-day, be ordered to be printed.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. DAWES. I move that the House adjourn.

Mr. COBURN. I move that the House take a recess, that there may be a session this evening for the consideration of the election bill reported by the Select Committee on Alabama Affairs.

Mr. ALBRIGHT. For debate only.

The question being taken on the motion to adjourn, there were—ayes 89, noes 22.

Mr. COBURN called for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 11, not a sufficient number.

So the yeas and nays were not ordered and the motion was agreed to.

And accordingly (at five o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

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

By Mr. BLAINE: Memorial of the Legislature of Wisconsin, asking that the line of land-grant road between Portage City and Stevens Point be changed to the most direct and feasible route, to the Committee on the Public Lands.

By Mr. BUNDY: Petitions of citizens of Lawrence County, Ohio, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. COBB, of Kansas: The petition of citizens of South Carolina, for the incorporation of the Eastern and Western Transportation Company, to the Committee on Railways and Canals.

By Mr. CURTIS: The petition of citizens of Erie, Pennsylvania, for Government aid to the Texas and Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. SCOFIELD: The petition of Dorcas P. Wilkins, for a pension, to the Committee on Invalid Pensions.

By Mr. STONE: Resolutions of the Legislature of Missouri, praying Congress to pass an act to give pensions to surviving soldiers of the Mexican war, to the same committee.

By Mr. WALLS: The petition of 61 citizens of Jacksonville, Florida, in relation to the Freedman's Savings-Bank, and asking relief for losses sustained by its failure, to the Committee on Banking and Currency.

By Mr. WELLS: Resolutions of the Legislature of Missouri, in favor of granting pensions to surviving soldiers of the Mexican war, to the Committee on Invalid Pensions.

By Mr. WILSON, of Iowa: The petition of citizens of Lytle City, Iowa, for additional duties on flaxseed and jute-butts, to the Committee on Ways and Means.

IN SENATE.

WEDNESDAY, *February* 24, 1875.

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

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

REPORT ON MINING STATISTICS.

The VICE-PRESIDENT appointed as conferees on the part of the Senate upon the disagreeing votes of the two Houses on the concurrent resolution of the House of Representatives for the printing of the report of R. W. Raymond on mining statistics, with the accompanying engravings, Messrs. ANTHONY, HOWE, and SAULSBURY.

CORRECTION OF AN ENROLLED BILL.

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

Resolved by the House of Representatives, (the Senate concurring,) That the Committee on Enrolled Bills be authorized in the enrollment of the bill (H. R. No. 1938) to extend the provisions of the act approved March 3, 1871, entitled "An act to provide for the collection of debts due from southern railroads, and for other purposes," to change the word "Linnville" to "Louisville," in the ninth line of the Senate substitute thereof, so that the line will read "the Memphis, Clarkesville and Louisville."

The resolution was concurred in.

PETITIONS AND MEMORIALS.

Mr. CONKLING. I present thirty petitions of members of the Grand Lodge of Good Templars of the State of New York, signed by a very large number of persons, setting forth the evils of intemperance and asking an amendment to the Constitution which shall prohibit the manufacture, importation, and sale of intoxicating liquors. I move the reference of these petitions to the Committee on Finance, that committee having heretofore had charge of the subject.

The motion was agreed to.

Mr. CONKLING presented the petition of John N. Miller, of Albion, New York, and of others in his behalf, praying that he may be allowed a pension; which was referred to the Committee on Pensions.

He also presented a preamble and resolutions of the common council of Long Island City, New York, calling upon Congress to grant necessary appropriations for the removal of obstructions to navigation at Hell Gate; which were referred to the Committee on Commerce.

Mr. HAMLIN presented a petition of G. W. Barber and others, citizens of Maine, asking that the importation, manufacture, and sale of alcoholic liquors be prohibited in the Territories of the United States and in the District of Columbia; which was referred to the Committee on Finance.

Mr. SCOTT presented resolutions of the Legislature of Pennsylvania, instructing the Senators and requesting the Representatives from that State to vote for the passage of the bill now before Congress equalizing bounties; which was ordered to lie on the table and be printed.

He also presented a petition of citizens of Allentown, Lehigh County, Pennsylvania, praying that the aid of the national credit be extended to the completion of a great southern line of railroad to the Pacific; which was referred to the Committee on Railroads.

Mr. DAVIS presented a resolution of the Legislature of West Virginia, in favor of appropriations for the improvement of the Ohio River and its tributaries; which was ordered to lie on the table and be printed.

Mr. WEST presented a memorial and resolutions of the New Orleans Chamber of Commerce, in favor of reciprocal trade with Mexico; which were referred to the Committee on Foreign Relations.

Mr. LOGAN presented a resolution of the Legislature of Illinois, in favor of the bill for removing obstructions at the mouth of the Mississippi River; which was ordered to lie on the table and be printed.

He also presented a petition of numerous soldiers of the State of Ohio, asking for the passage of the bill for the equalization of bounties; which was ordered to lie on the table.

Mr. BOREMAN presented a resolution of the Legislature of West Virginia, in favor of appropriations for the improvement of the Ohio River and its tributaries; which was ordered to lie on the table and be printed.

Mr. PRATT presented the petition of J. L. Chase and other citizens of Biddeford, Maine, asking for the prohibition of the manufacture, importation, and sale of all alcoholic beverages in the District of Columbia and in the Territories of the United States; which was referred to the Committee on Finance.

Mr. PRATT. I also present a petition of sundry soldiers of the volunteer forces of the United States from the State of Indiana, urging upon Congress the immediate passage of the House bill providing for the equalization of bounties upon the basis of eight and one-third dollars per month, or some other just rate, by the provisions of which the unjust discrimination in reference to bounties under the existing laws may no longer be enforced. I move that it lie on the table.

The motion was agreed to.

Mr. WRIGHT presented the petition of William H. Manning, of Farmington, Iowa, praying compensation for certain timber taken and used by the troops under the order of the authorities of the United States; which was referred to the Committee on Claims.

Mr. FRELINGHUYSEN presented the petition of the owners of the pilot-boats William Bell and James Funk, asking compensation for the loss of the same, destroyed on the high seas by the rebel cruiser Tallahassee, to be paid out of the Geneva award; which was referred to the Committee on Claims.

Mr. BOGY presented a concurrent resolution of the Legislature of Missouri, in favor of the passage of a law granting a pension to the surviving soldiers of the Mexican war; which was referred to the Committee on Pensions.

Mr. INGALLS presented the following concurrent resolution of the Legislature of Kansas; which was referred to the Committee on the Judiciary:

Senate concurrent resolution No. 20, asking Congress to create and establish a United States district court for the Indian Territory.

Be it resolved by the senate, (the house of representatives concurring herein,) That the honorable the Senate and House of Representatives of the United States in Congress assembled be, and they are hereby, most respectfully requested to pass a law creating and establishing a United States circuit court for the Indian Territory at as early day as possible, and locating the place of holding thereof at as near a point as practicable to said Territory, if not within the same, having in view the procuring of suitable persons for grand and petit jurors, the same to have original criminal jurisdiction of all crimes committed therein, and civil jurisdiction of all matters arising out of transactions between the citizens thereof and between the citizens of said nation and citizens of the United States, with full powers to enforce all orders, judgments, and decrees as is given to courts of the Territories of the United States, and such other powers as the Congress may deem just and best to protect life and property and guarantee the free enjoyment of all legal right in said nation to the citizens thereof and to the citizens of the United States therein.

Be it further resolved, That our Senators be, and hereby are, instructed, and our Representatives requested, to use their best exertions to procure the speedy passage of such a law and the early establishment of such a court.

Resolved, That the secretary of state be, and hereby is, requested to transmit a copy of these resolutions to the President of the Senate and Speaker of the House of Representatives of the United States and to each of our Senators and members of Congress.

Adopted by the senate January 28, 1875.

JOHN H. FOLKS,
Secretary.

Concurred in by the house February 3, 1875.

HENRY BOOTH,
Chief Clerk.

I, Tom H. Cavanaugh, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed the great seal of state.

Done at Topeka this 15th day of February, A. D. 1875.

[L. S.] TOM H. CAVANAUGH,
Secretary of State.

Mr. INGALLS also presented the following concurrent resolution of the Legislature of Kansas, which was referred to the Select Committee on Transportation Routes to the Sea-board:

House concurrent resolution No. 35, in favor of deepening the mouth of the Mississippi River.

Whereas the deepening of the mouth of the Mississip pi River so as to admit the passage of vessels of the largest size is a matter of the most vital importance to the producing interests of the entire West; and whereas the plan of deepening that river proposed by Captain Eads has received the support of a large number of practical engineers and seems to be a practicable and feasible method of achieving the ends sought: Therefore,

Be it resolved by the house of representatives, (the senate concurring,) That our Senators in Congress be instructed and our Representatives requested to support the passage of a law for the deepening of the mouth of the Mississippi River by way of the Southwest Pass, according to the plan of Captain Eads.

The secretary of state is instructed to send a copy of this resolution to our Senators and Representatives in Congress.

Adopted by the house February 6, 1875.

HENRY BOOTH,
Chief Clerk.

Concurred in by the senate February 11, 1875.

JOHN H. FOLKS,
Secretary.

I, Tom H. Cavanaugh, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed the great seal of state.

Done at Topeka this —— day of February, A. D. 1875.

[L. S.] TOM H. CAVANAUGH,
Secretary of State.

Mr. HOWE presented a memorial of the Legislature of Wisconsin, in favor of the enactment of a law authorizing a change in the location of the land-grant railroad between Portage City and Lake Superior; which was ordered to lie on the table and be printed.

Mr. MORRILL, of Maine, presented the petition of Joseph W. Williams and other citizens of the State of Maine, asking for a prohibition of the manufacture, importation, and sale of all alcoholic beverages in the Territories and the District of Columbia; which was referred to the Committee on Finance.

Mr. CAMERON presented a resolution of the Legislature of Pennsylvania, in favor of the passage of a law for the equalization of bounties to soldiers; which was ordered to lie on the table.

Mr. CONKLING presented a memorial of a large number of insurance companies and underwriters of the city of New York, remonstrating against the proposed abolition of, or any change in, the administration of the present system of the Light-House Board; which was referred to the Committee on Commerce.

INTERNAL IMPROVEMENTS.

Mr. WINDOM. Mr. President, I present the petition of 48,853 farmers of the Northwest, asking for appropriations by Congress for the improvement of the water-route from the Mississippi River to Lake Michigan, via the Fox and Wisconsin Rivers. The petition is very brief, and, as it is so numerously signed, Senators will bear with me a few moments while I read it in full:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Whereas cheaper and more ample means of transportation are imperatively necessary to the development and prosperity of the Western States; and whereas the report of the Select Committee on Transportation recently submitted to the United States Senate demonstrates the fact that the adequate improvement of the Fox and Wisconsin water-route, from the Mississippi River to Green Bay, will reduce the cost of transporting grain from the river to the lakes at least ten cents per bushel below the average railway charges, thereby effecting a saving on the movement of a single crop from the States of Ohio, Minnesota, Wisconsin, Nebraska, and Missouri of nearly $10,000,000, or a sum nearly double the entire cost of the proposed improvement, to which saving must be added the reduced cost of transporting lumber, salt, iron, and other heavy commodities from the lakes to the Mississippi River, amounting to many millions more; and whereas this annual saving to the farmers of the Northwest will, when one-half the lands in those States are under cultivation, amount to more than twenty times the entire cost of the proposed improvement: Therefore,

We, the undersigned, farmers residing—

In the various parts of the States named—

respectfully and earnestly pray that such appropriations be made as will insure the completion of said water-route from the Mississippi River to Lake Michigan, via the Fox and Wisconsin Rivers, at the earliest practicable moment, and by such improvements as will afford the cheapest and best facilities for water transportation.

This petition, Mr. President, is signed by 13,182 farmers of Minnesota, 12,154 of Wisconsin, 17,154 of Iowa, 5,338 of Nebraska, and 1,025 of Dakota, making an aggregate of 48,853. I want to say that this is but a faint expression of the sentiment and demand of the people of the Northwestern States upon this subject.

I have inquired of older Senators with reference to expressions of the people given by petitions heretofore, and I am informed by one who has been here perhaps longer than any other that a petition signed by three thousand names is perhaps as large as ever was presented at one time. I here present you, sir, nearly fifty thousand names, and a very large number more on the same subject were presented to the House of Representatives at this session.

I do not feel myself justified in consuming the morning hour, but I do want to impress upon the Senate and upon the committee in charge of the river and harbor bill that there is no question in which the people of one-half, if not the whole of this Union feel so intense an interest as they do in that of cheap transportation. Already during this morning hour the memorials of two or three State Legislatures have been presented urging us to take prompt and efficient action on the matter of internal improvements. Almost every day since this session commenced petitions have been sent here on this subject. By every means of expression known to the people they have told us what they desire. They are in earnest and will be heard, either by us or by our successors.

The signers of this mammoth petition which lies on my table know that for five years the average cost of transportation by rail from the Mississippi River to Lake Michigan has been over seventeen cents per bushel for wheat and corn. They know also that by the improvement of this water line, if it does the work of transportation as cheaply as similar water lines are doing it to-day, it will cost them an average of only seven cents per bushel, thereby saving ten cents per bushel on their crop.

I have presented a resolution which is now pending before the Senate, and which I have endeavored to call up, not merely covering this proposition but other improvements which are equally valuable and which receive just as fully the indorsement of the people. I do most earnestly hope that before the close of this session of Congress we shall at least have the opportunity to discuss for a single hour these questions relating to the material interests of the country. The great question the people are asking everywhere is, "Will not Congress do something to aid us in our material interests?" Trembling on the verge of bankruptcy many of the best business men of the country are looking earnestly to us for help. Hundreds of thousands of idle laborers anxious for employment, but unable to find it, beg us to do something that will revive the industries of the nation. Shall we respond only by long speeches upon political questions and leave wholly untouched these material interests?

I would like to explain further the meaning of this petition; but, sir, I will withhold what I want to say until another time. I will ask the Senate to refer these petitions to the Committee on Commerce in order that while they are considering the river and harbor bill the voice of these 48,853 farmers may be heard in the committee-room. Mr. President, I move the reference of this petition to the Committee on Commerce.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 4680) to further protect the sinking fund and provide for the exigencies of the Government; in which it requested the concurrence of the Senate.

REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the bill (H. R. No. 3737) for the relief of Norman H. Ryan, reported it without amendment.

Mr. CONOVER, from the Committee on Revolutionary Claims, to whom was referred the bill (H. R. No. 3182) for the relief of the heirs of James Barnett, deceased, reported it without amendment.

Mr. DENNIS, from the Committee on Claims, to whom was referred the bill (H. R. No. 1628) for the relief of Montraville Patton, of Buncombe County, North Carolina, reported it without amendment.

Mr. MERRIMON, from the Committee on Claims, to whom was referred the petition of Gallus Kirchner, of North Vernon, Indiana,

praying compensation for two thousand three hundred and eighty and a half yards of blue limestone delivered to the United States, submitted a report accompanied by a bill (S. No. 1352) referring to the Court of Claims the claim of Gallus Kirchner, of the State of Indiana.

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

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 4190) for the relief of William H. Carmen, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1120) for the relief of Miss Rebecca L. Wright, 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. 4185) for the relief of Brevet Brigadier-General B. S. Roberts, reported adversely thereon; and it was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1255) for the relief of Charles M. Blake, late chaplain of the United States Army, asked to be discharged from its further consideration; which was agreed to.

PROMULGATION OF ARMY REGULATIONS.

Mr. LOGAN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. No. 844) to authorize the promulgation of the general regulations for the government of the Army, to report it without amendment. This bill passed the House at the last session of Congress, and has been here for a long time. It will take but a moment to pass it, and there is considerable importance connected with it. I ask the Senate to consider it now. It merely authorizes the Secretary of War to promulgate the Army Regulations.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It repeals so much of section 20 of the act approved July 15, 1870, entitled "An act making appropriations for the support of the Army for the year ending June 30, 1871, and for other purposes," as requires the system of general regulations for the Army therein authorized to be reported to Congress at its next session and approved by that body, and authorizes the President to make and publish regulations for the government of the Army in accordance with existing laws.

Mr. BAYARD. Is that bill reported from the Committee on Military Affairs?

Mr. LOGAN. It is.

Mr. BAYARD. Will the Senator in charge be kind enough to explain to us the object of this bill?

Mr. LOGAN. I will state briefly that the Army Regulations some four years ago were referred to Congress to be acted upon by Congress. The law authorized Army regulations to be made by a board and reported to the Secretary of War and promulgated by the President. That was the old law and will be the law under this bill. But an act was passed requiring the regulations made by the board to be referred to Congress. Congress has never acted on them. We cannot get action on them. They have been lying here for four years. This bill is merely to authorize the President to promulgate the regulations. That is all there is in it.

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

HOUSE BILL REFERRED.

The bill (H. R. No. 4680) to further protect the sinking fund and provide for the exigencies of the Government was read twice by its title, and referred to the Committee on Finance.

BILLS INTRODUCED.

Mr. LEWIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1353) for the relief of Colonel Garden Chapin and Julia P. Chapin, his wife, for property destroyed at Cooke's Spring on the 6th of August, A. D. 1861; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. FERRY, of Michigan, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1354) for the relief of Henry P. Seymour, William A. Frazer, Alvin N. Sabin, and the heirs of Percy S. Leggett, late supernumerary second lieutenant of the Fifth Michigan Cavalry; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

WILLAMETTE VALLEY AND COAST RAILROAD COMPANY.

Mr. MITCHELL. If there is no further morning business, I ask the indulgence of the Senate and unanimous consent for but one minute to place on their passage a couple of little bills of deep interest to our people. There can be no possible objection to either of them. I move first to take up Senate bill No. 1082.

Mr. FERRY, of Michigan. Have we concluded the regular morning business?

The VICE-PRESIDENT. The morning business is not yet closed. The introduction of bills is still in order; but the Senator from Oregon asks unanimous consent in the morning hour to take up a bill.

Mr. SPRAGUE. I hope this bill will be proceeded with.

Mr. MORTON. There is no objection to it.

Mr. MITCHELL. It will take but a moment.

The VICE-PRESIDENT. The Senator from Oregon asks unanimous consent to take up Senate bill No. 1082.

Mr. INGALLS. I should like to hear the title of the bill read.

Mr. FERRY, of Michigan. I ask if the morning business is exhausted.

The VICE-PRESIDENT. The Senator from Oregon asks unanimous consent to take up this bill.

By unanimous consent, the bill (S. No. 1082) granting to the Willamette Valley and Coast Railroad Company a right of way through the public lands for a narrow-gauge railroad was considered as in Committee of the Whole.

The Committee on Public Lands reported an amendment in line 15 to strike out the word "adjacent" and insert "within said limits;" so as to read:

Including the right to take from the public lands within said limits materials of earth, stone, gravel, and timber necessary for the construction thereof.

The amendment was agreed to.

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

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

PORTLAND, DALLES AND SALT LAKE RAILROAD.

Mr. MITCHELL. Presuming on the indulgence of the Senate, I ask it to take up one other bill of five lines, to which there can be no possible objection. It is a local matter. It is the bill (S. No. 1310) providing for the extension of the time for completing the survey and location of the Portland, Dalles and Salt Lake Railroad.

Mr. CAMERON. I shall object to everything until I shall have a chance for my tombstone bill.

Mr. MITCHELL. I believe there is no objection.

Mr. CAMERON. I shall object to everything of the kind until I have an opportunity of having a vote on the question of tombstones.

The VICE-PRESIDENT. Objection being made, the bill cannot be considered at this time.

PRESENT TO MRS. MINNIE SHERMAN FITCH.

Mr. MORRILL, of Maine. The Committee on Appropriations, to whom was referred the bill (S. No. 1301) to admit free of duty the diamond necklace presented by the Khedive of Egypt to Mrs. Minnie Sherman Fitch, have instructed me to report the same back with a verbal amendment, and I ask for its present consideration. A similar bill has already passed both branches of Congress, but at the Treasury it is thought not to be explicit in one of its terms. This is simply to make it explicit, and it will take but a moment to pass it.

Mr. CAMERON. I object to the consideration of anything now.

Mr. MORRILL, of Maine. Let it lie on the table; it need not be printed; and I will call it up to-morrow morning.

ORDER OF BUSINESS.

The VICE-PRESIDENT. If there is no further morning business, the Committee on the Revision of the Rules has the rest of the morning hour.

Mr. HOWE. I now throw myself once more on the indulgence of the Senate, and ask unanimous consent that thirty-five minutes more may be accorded to the consideration of that bill which was up in the morning hour yesterday.

Mr. FERRY, of Michigan. If the Senator means, as he says, to throw himself on the indulgence of the Senate and not of the Committee on the Revision of the Rules, I will offer no objection so that the Committee on the Revision of the Rules will have its appropriate time at some other hour if the Senator from Wisconsin occupies the present hour.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent to have the residue of the morning hour for the consideration of the bill in regard to the Library of Congress.

Mr. SHERMAN. That will be a violation of the rule under which we are acting, and a postponement of the reports made by other committees.

The VICE-PRESIDENT. The Senator asks unanimous consent, and the Chair supposes the Senate can do anything in that way.

Mr. SHERMAN. I will object for the benefit of the whole Senate. I think every Senator ought to object. I object, and insist on the enforcement of the rule.

The VICE-PRESIDENT. The Committee on the Revision of the Rules is entitled to the rest of the morning hour.

Mr. HOWE. I understand the Senator from Ohio objects.

Mr. SHERMAN. I insist on the regular order of business.

PUBLICATION OF NAMES OF ABSENTEES.

Mr. FERRY, of Michigan. I call up the resolution offered by the Senator from Rhode Island [Mr. ANTHONY] on December 15, 1873. It has reference to expunging the names of absentees from the list for the purpose of economizing space in the RECORD and cost to the Government.

Mr. HAMILTON, of Maryland. Let the resolution be read for information.

The resolution was read, as follows:

Resolved, That the resolution adopted by the Senate on the 4th of May, 1864, directing the reporter in making up the proceedings of the Senate for publication to put in a separate list the names of absentees in each call of the yeas and nays be rescinded.

The motion was agreed to.

The VICE-PRESIDENT. The resolution is before the Senate.

Mr. SCOTT. I should like to hear some reason given for dropping the names of absentees. Is it simply because it occupies space in the RECORD, or not?

Mr. FERRY, of Michigan. As I understand, the reason is to economize space in the RECORD. It is occupying space there needlessly in the judgment of the committee and I suppose in the judgment of the Senator who offered the resolution. The object is simply to save cost and space—space in the RECORD and cost to the Treasury. There seems to be no particular necessity for keeping up this record of the names of the absentees while the names of those voting for and against any proposition are upon the record.

Mr. ANTHONY. I introduced this resolution some time ago. This publication of the names of the absentees is an innovation. It was ordered some seven or eight years ago I think rather, if such a term could be used in the Senate, in a pet. Some Senators were vexed at the absentees and moved that the names be put in the Globe, and the resolution was adopted. When you publish the yeas and publish the nays, the absentees are known as a matter of course. I see no good in continuing this list; it cumbers up the RECORD and makes more printing.

Mr. CONKLING. I should like to inquire for information how are the absentees known?

Mr. ANTHONY. Because they are neither among the yeas nor the nays.

Mr. CONKLING. How is it known who they are? I ask the question seriously, and I will put it in this form: A man sits down to look at a vote on a given question; he has obtained a copy of the Globe or of the RECORD which is not the first of the series, and therefore does not have the fact that on the first day the Vice-President caused the roll to be called and so many Senators answered, but he has just one volume. He looks and sees who voted *pro* and who voted *con*. He would like to know who there was in the Senate that year at that time. Even the honorable Senator from Rhode Island could not tell him, with all his knowledge of such things, unless he could go back and get the first volume in the series of that session and look to see who were the Senators at the beginning of the session.

I do not say how important this is; but I do venture to suggest to the Senate that it is not true practically that he who looks at a list of the yeas and a list of the nays on a given question understands as a matter of fact who are the absentees, who were the men then in the Senate who abstained from voting on that question, or who for any reason were not present when the vote was taken.

Mr. ANTHONY. I suppose if a man looks at the yeas and nays, he wants to know how a particular Senator voted.

Mr. CONKLING. That may or may not be.

Mr. ANTHONY. And if he wants to know how a particular Senator voted, he knows of course that he was a Senator at the time, and if his name is not among the yeas or among the nays, he knows that that Senator was absent. I do not think it should be logically necessary to look in a list of absentees to ascertain that.

Mr. CONKLING. I think I can convince the Senator in a moment that that is not the point of my suggestion. Some time ago the Senator from Delaware among others on a contested-election case read from the proceedings of the Senate long years ago touching a Rhode Island case in which there was a contest. He, like every other Senator, deemed it important to inform the Senate who were members of the Senate then who took part in what was done. Why did he do so? In order to add the weight of character and intellect and legal knowledge which that would furnish to the precedent which he cited. Now, suppose in that case it turned out that Mr. Webster, Mr. Calhoun, and others whom I might mention were in the Senate and abstained utterly from taking any part in the matter, and although there was action of the Senate these men were conspicuously absent, some student of those events takes the volume which contains the report, the debate, and the vote, and he sees the foot-prints which were left by thirty-odd Senators or forty and he sees nothing more.

I know, as my friend from Wisconsin, [Mr. HOWE,] who evinces a little animation at this moment, with his usual wit suggested to me that he could find a Congressional Directory of that year, and that Congressional Directory would tell him who was there. Yes, if he has all the books in this library that the Senator proposes to cart up to Judiciary Square and all the fifty thousand that he proposes to leave as samples behind, I am perfectly well aware that this man could run this down and find out exactly who were members of the Senate at that time and who abstained from the proceeding and who thus impaired by as much weight of character as they had, the force of the precedent at which the student is looking. But my proposition is that when the Senator from Rhode Island says a man who reads the yeas and reads the nays thereby finds out who were the absentees or who were those who abstained from concurrence, he cannot vindicate that by the truth or fact of the case.

Mr. MORRILL, of Vermont. One of the great evils which this rule when adopted was designed to remedy was the fact that there were in both Houses a large number who were not punctual in their attendance upon the sessions of either House. It was supposed that publishing on each vote a list of the names of those who were absent from their seats and did not participate would tend to remedy that evil, and I think it has done so to a considerable extent; and I hope for the very pitiful amount of economy that would be saved in the publication of the RECORD the rule will not be changed.

Mr. THURMAN. I observe that in the other House a practice similar to ours prevails, except that the third list is put down as "not voting." There are the yeas and the nays, and then a list under the title "not voting." Our practice is, or our rule, to put down the "yeas" and the "nays," and then a list under the head of "absent," which is sometimes true and sometimes not true, because sometimes Senators are here and do not vote. But I think the rule must have been adopted for the reason suggested by the Senator from Vermont, and I think the tendency of the thing is to prevent absenteeism. I should not like, therefore, to see it rescinded.

Mr. MORRILL, of Maine. Is it not true that in every parliamentary sense a gentleman who is present and does not vote is absent? If a Senator is in his seat and does not vote, in a parliamentary sense he is absent. The rule requires him to vote, and if he does not vote he is presumed to be absent.

Mr. EDMUNDS. Mr. President, I think that this list of the absent is logically the most important list of Senators there is, because generally it comes very near being the largest. It is usually the largest subdivision. If you divide the Senate into three sections, the absentees are generally in the plurality. I notice in yesterday's proceedings, on the last page of the RECORD to-day, that on a motion to adjourn there were 23 in the affirmative, 27 in the negative, and 23 absent. That was a tie between the affirmatives and the absentees. On the next motion I observe there were 21 affirmatives, 25 negatives, and 27 absent. The absentees were in a clear plurality over any one of the other sections of the Senate.

Inasmuch as the people are entitled to know what we are doing and the way we are doing it, I think, as the Senator from Ohio says, that it is of real importance to preserve this list of the notables who figure in the third subdivision of the names of the Senators; and it does have some tendency to prevent Senators being unnecessarily absent. Of course, the word "absent" does not prove in the way we do things that Senators are absolutely away. They may be here and may have been paired. If so, it is generally stated; so that is an explanation. They may be here, as I saw an occasion on a night not long ago when a dozen or more Senators sat in their seats and did not vote at all, not being paired. They were present in the body but absent in the spirit, as I must suppose, for they were visible but they did not seem to have any voice.

Another thing is that this collection of names shows every reader at once the whole body of the Senate. Every Senator's name is before him, and he knows the State that he comes from if he has any knowledge; when he sees the name he knows where the Senator is from, and in that way he gets a clearer idea of the operations of the Senate and of the Senators who attend to business, and those who are obliged to be absent, and so on, than he can in any other way. Now to cut this out on the theory that you are going to save, I suppose about five cents every time, it appears to me would be a mistake. I hope we shall leave it where it stands.

Mr. ANTHONY. The word "absent" is not only erroneous, but often very unjust. At this time of the session when there are four or five committees of conference sitting all the time and the chairmen of the Committees on Appropriations and Finance and of other committees are obliged to be absent, they are put down in the list as "absent" precisely the same as though they were neglecting their duties. Besides that, it is very common, we all know, and perhaps it is absolutely necessary for our convenience that we should pair sometimes, and although that is contrary to the rule strictly enforced, the rule never has been enforced, and if we publish the absentees we should publish the pairs.

Mr. HAMLIN. I think the Senator who sits farthest from me from Vermont [Mr. MORRILL] has stated the precise occasion which led to the adoption of this rule. My recollection concurs with his. I think the amendment to the rule was made on the motion of the Senator from my State who occupied the seat which I now occupy, (Mr. Fessenden;) and according to my recollection it was done at the end of a somewhat protracted debate. I think it was done with the purpose of inducing Senators to remain in their seats. That was the precise object. Now, every Senator knows that in long and protracted debates these seats will be empty; and you may place rule upon rule and you cannot prevent it. There is no constitutional power to do it, and there is no constitutional duty that requires men here to sit hour after hour to listen to political essays which contain no information that they have not already themselves, and they will go, some to their committee-rooms, some to other places.

Now, the object for which the rule was adopted having totally and thoroughly failed, I think we may as well recur to the practice that prevailed before the rule was adopted. It cumbers your RECORD; it takes the time of the printer in composing the names of the absentees, all of which may be gathered precisely as well otherwise. But it is true, as my colleague says, that if a Senator is in his seat and neglects to vote, he is in the parliamentary sense absent. He does not give the expression of his opinion upon the pending question and is not therefore present for that question; and he is absent from that vote which makes the record of the Senate.

There being no earthly purpose subserved by the rule and a little economy in abolishing it, I am in favor of the pending resolution and shall vote for it.

Mr. BAYARD obtained the floor.

Mr. FERRY, of Michigan. Will the Senator from Delaware allow me a moment to ask the Senate to continue the time of this committee?

Mr. EDMUNDS. No; we cannot continue the time.

Mr. FERRY, of Michigan. I will state to the Senator that by the consent of the Senate a portion of the limited time, one-fourth of the residue of the hour left us, was occupied in the passage of one or two bills.

Mr. EDMUNDS. That was your fault.

Mr. FERRY, of Michigan. The Senator from Vermont says it is the fault of the chairman of the Committee on the Revision of the Rules. It would be rather ungracious for the chairman to interpose an objection when a Senator rises in his place and asks consent of the Senate to pass a local bill. I am not disposed to do that. By unanimous consent of the Senate these bills were passed and time taken. I merely ask the same courtesy to this committee which has been extended to others, that the time be extended for half an hour.

The VICE-PRESIDENT. That requires unanimous consent.

Mr. EDMUNDS. I object.

Mr. BAYARD. Why cannot this question be decided?

Mr. THURMAN. Before the question is put I would like the Senator to state what business he proposes to take up before I give consent to extend the time.

The VICE-PRESIDENT. The Chair will state to the Senator from Ohio that objection has been made to the extension. It therefore cannot be had. The Senator from Delaware is entitled to the floor for about one minute. At twelve o'clock the regular order comes up.

Mr. BAYARD. I do not desire to interfere with gentlemen in charge of business of this kind. I intended to submit some remarks; but perhaps they would not be very valuable on the subject of striking out the list of those who are termed absentees, technical absentees; but if the motion be made to extend the time of this committee I shall say a few words.

The VICE-PRESIDENT. The morning hour has expired.

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. 4458) relating to a site for a public building at Jersey City, in the State of New Jersey;

A bill (H. R. No. 4837) for the relief of Charles A. Luke;

A bill (H. R. No. 4838) to declare the true intent and meaning of the twentieth section of an act passed by the Legislature of the Territory of Dakota, passed January 14, 1875, entitled "An act making the conveyance of homesteads not valid unless the wife joins in the conveyance;"

A bill (H. R. No. 4472) to authorize the Secretary of the Treasury to defend certain suits against David R. Dillon;

A bill (H. R. No. 4573) to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin;

A bill (H. R. No. 4839) for the relief of Lydia Cruger, executrix of Moses Sheppard, deceased; and

A joint resolution (H. R. No. 161) to provide for the preservation of the manuscript returns of the first and ninth censuses.

The message also announced that the House had passed the following concurrent resolutions; in which it requested the concurrence of the Senate:

A resolution for the printing and binding in quarto form of volumes 2, 7, and 9 of the final reports of the geological survey of the Territories for distribution by the Smithsonian Institution;

A resolution for the printing of the report of the Commissioner of Education for the year 1874; and

A resolution for the printing of the annual report of the geological and geographical survey of the Territories for 1874.

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 Vice-President:

A bill (H. R. No. 1938) to provide for settlement with certain railway companies; and

A bill (H. R. No. 4835) in relation to the Quartermaster's Department, fixing its status, reducing its numbers, and regulating appointments and promotions therein.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ALCORN, Mr. FLANAGAN, Mr. MERRIMON, Mr. HAMILTON of Maryland, Mr. DENNIS, Mr. MITCHELL, Mr. RANSOM, Mr. ROBERTSON, and Mr. BOREMAN presented amendments intended to be proposed to the bill (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which were ordered to be printed and referred to the Committee on Commerce.

Mr. DORSEY, from the Commitee on Post-Offices and Post-Roads, submitted an amendment intended to be proposed to the bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes; which was ordered to be printed and referred to the Committee on Appropriations.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. R BABCOCK, his Secretary, announced that the President had on the 23d instant approved and signed the following bills:

An act (S. No. 625) for the relief of Lemuel D. Evans, late collector of internal revenue for the fourth district of Texas;

An act (S. No. 836) granting a pension to William Ira Mayfield;

An act (S. No. 862) granting a pension to Margaret S. Hastings;

An act (S. No. 1070) granting a pension to Margaret C. Wells;

An act (S. No. 1080) granting a pension to J. W. Caldwell, of Marshall County, Indiana;

An act (S. No. 1154) granting a pension to William Williams;

An act (S. No. 1205) restoring to the pension-roll the name of Lydia A. Church, minor daughter of Nathaniel G. Church; and

An act (S. No. 1213) granting a pension to Nathan Upham.

ADMISSION OF COLORADO.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 435) to enable the people of Colorado to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States.

Mr. HITCHCOCK. Mr. President, at this period in the session, with the Calendar filled with a long list of bills which have received favorable action at the hands of the different committees and which are pressing for the formal and favorable action of the Senate, I believe that no extended discussion of this bill is needed or would be justifiable. Nor do I believe that the Senate fail to understand the facts in regard to Colorado. Situated in the center of the continent, extending from the thirty-seventh parallel of latitude on the south to the forty-first parallel of latitude on the north, and from the twenty-fifth meridian of longitude on the east to the thirty-second meridian of longitude on the west, embracing an area of one hundred and six thousand square miles; with a vast mineral wealth hidden away in the recesses of her lofty mountains and her lowly valleys; with a climate wonderful for its healthfulness; with a soil capable by irrigation of producing an agricultural product sufficient to support a population of at least two millions of people; settled with inhabitants hardy, brave, enterprising, loyal, and intelligent, Colorado is ready to throw off the swaddling-clothes of a Territory and assume position as a sovereign and independent State.

There is, I apprehend, and can be but one possible objection and but one possible question to be considered and but one point upon which opposition can be made to the present admission of Colorado. That question is in regard to her present population. Upon that point the Committee on Territories believe from the best information which they were able to obtain that Colorado to-day contains a population of one hundred and fifty thousand. Of course this must be based to a great extent upon statistics and estimates, as no official and formal census of the Territory has been taken for the last five years. The population of the Territory by the census of 1870 was about forty thousand. There are some comparative estimates which can be made from the statistics of the Territory at that time and the statistics of the Territory since that time which go to show the ratio of the increase of population. For instance, the revenue from the postal department in that Territory that year was twenty-nine thousand and some hundred dollars. The revenue of the Post-Office Department for the fiscal year ending June 30, 1874, was $102,000—more than three times, nearly four times the revenue derived from the postal service in the year 1870. I think that there is no better, no surer test than that. The increase in the population is represented perhaps as accurately by the increase of revenue of the postal service as in any other way. So in other respects. At the time the census of 1870 was taken there was not in the Territory a single line of completed railroad, and now there are seven hundred and thirty-five miles of completed railroad built, at an estimated cost of about $30,000,000. So that it is probable that no Territory has been admitted with the aggregate of wealth, the aggregate of business, the aggregate of commercial importance that Colorado has at the present time

Since the original Constitution was adopted twenty-four States have been added to this Union. Of these, Texas, Maine, and West Virginia were separated from other States or admitted as independent sovereignties, as in the case of Texas. Consequently twenty-one States have been admitted from a territorial condition since the Government was founded. Of these twenty-one but two Territories were admitted as States which had at the time of their admission a greater population than Colorado now has, and these Territories were Michigan and Wisconsin, each of them having, I think, a population of about two hundred thousand; Minnesota having a population of about the same amount that Colorado now has, and the others, such States as Illinois and Ohio, having only about one-third the population which Colorado now has. I believe, Mr. President, the only possible objection that can be raised to the admission of Colorado as a State, as I said, is the question of population, and upon that point I believe her population is ample to entitle her under the law to a single Representative in Congress, and I hope there will be no prolonged discussion upon this question.

Mr. SARGENT. The thirteenth section of this bill requires some explanation, and I should like to ask the Senator having it in charge what it refers to?

Mr. HITCHCOCK. That refers to the ordinary grant of land which has been made to the other States which have been admitted heretofore for internal improvements:

There shall be granted to each State specified in the first section of this act five hundred thousand acres of land for the purposes of internal improvement.

That is the provision of the act of 1841.

Mr. SARGENT. The Senator is not entirely correct in stating that these grants have been made to all new States which have been admitted. I know it was not so in reference to California, and I presume the grant has grown with years, so that as each new State has been admitted it has been extended.

The provisions in this bill are rather liberal for land grants. For instance, section 8 gives thirty-two thousand acres, fifty entire sections, to the State for the erection of public buildings. Section 9 gives thirty-two thousand acres for the erection of a penitentiary or State prison. Section 10 gives forty-six thousand and eighty acres to be applied as the Legislature sees fit for a university. Section 11 gives six salt springs and thirty-eight hundred and forty acres contiguous thereto. Section 12 gives 5 per cent. of the proceeds of the sales of public lands lying within the State prior or subsequent to the admission of the State; and then section 13 comes in and gives five hundred thousand acres besides.

These are very liberal grants of public lands; and I think experience has pretty well demonstrated that grants of lands to States for almost any purpose whatever are simply means by which the public lands are withdrawn from homestead and pre-emption and under the influences that are brought about the State Legislatures get into the hands of speculators. I doubt whether such grants have ever been of any particular advantage to any State which has received them. I certainly am not in favor of continuing them upon the great scale which is provided for in this bill.

But before making any particular motion in reference to that matter, I desire to make one relating to section 12. I propose to strike out the words "prior or," in line 3 of section 12. That section provides for paying over to Colorado—

Five per cent. of the proceeds of the sales of public lands lying within said State which have been or shall be sold by the United States prior or subsequent to the admission of said State into the Union.

We thus accompany the admission of the State by a very large demand on the Treasury. This has been an organized Territory for a great many years; a large amount of public lands in it has probably been sold under the pre-emption laws, and we ought to understand how much money is being granted by this section by reckoning up the amount of public lands which have been heretofore sold. We have been keeping up a territorial organization in this Territory at our own expense. We have paid the expenses of the Legislature; we have paid the expense of the governor and of all the territorial officers for a good many years; and the 5 per cent. of the proceeds of sales which have heretofore taken place in the Territory ought to go to liquidate the debt due to the Government on this account or to square the account. It does not seem reasonable that this amount should be paid over to the Territory when it is to be admitted as a State. I will not speak of the policy of paying the amount which may subsequently accrue; but I think a reservation should be made in that case by providing that where lands are given under the pre-emption laws to settlers there shall be no demand upon the Government for commutation upon that account, and that no demand of the 5 per cent. shall be made in respect to lands which are reserved for any public uses.

We have a historical tangle growing out of a principle of that kind. The Choctaw claim, which has been referred to quite lately in this Chamber, grows out quite largely of a claim of the Indians to be reimbursed for lands which the Government reserved for public uses. They claim that a percentage on the value of those lands should be added to a further sum which they, I think improperly, demand for reimbursement for lands which the Government sold. The Government having given them in exchange a larger number of acres in another place, they hold that all the money which came from the sale of the lands they exchanged should go to them, and they go further and say that even where the Government reserved land for its own use and never sold it and consequently never received any money for it, should be accounted as if it was sold for money. The question also has arisen in the case of Ohio, Indiana, and Illinois, under a claim for a balance of the 5 per cent., they holding that where lands were reserved by the Government they should be appraised and those States made good for the difference which was caused thereby. I do not want to have such a question raised in reference to Colorado, and I do not think it is fair. We have changed our laws since many of the States were admitted; we have liberalized the pre-emption laws; we have authorized citizens to go without money and without price (except a few fees to maintain the system) upon the public lands and we give to the settlers those lands. If this is to be followed by an appraisement of these lands and the Government is to pay 5 per cent. on their value to the State of Colorado hereafter, it seems to me there is not sufficient attention paid to the interests of the Treasury. I want to propose an amendment that will exclude that conclusion, and also exclude the conclusion that there shall be any appraisement for Indian reservations, or military reservations, or other lands reserved for public uses. But now my motion is to strike out the words "prior or," so that we shall not have to make an accounting for lands heretofore sold in this Territory and pay over, I do not know what amount, but somewhere from $10,000 to $500,000. In the absence of figures, I do not know which of these suppositions would be correct.

Mr. SCOTT. I desire to ask the attention of the Senator from California to a section upon which I desire his opinion as a subject with which he is familiar—to the eighth section. I will read that section:

That, provided the State of Colorado shall be admitted into the Union in accordance with the foregoing provisions of this act, fifty entire sections of the unappropriated public lands within said State, to be selected and located by direction of the Legislature thereof, on or before the 1st day of January, 1878, shall be, and are hereby, granted, in legal subdivisions of not less than one quarter section, to said State for the purpose of erecting public buildings at the capital of said State for legislative and judicial purposes, in such manner as the Legislature shall prescribe.

Knowing the Senator from California to be entirely familiar with the law in relation to mineral lands, a subject with which I am not familiar, I ask his attention to this section for the purpose of asking the question whether this power granted to the Legislature of Colorado to select and locate without limit or without restriction fifty sections of land would not authorize them to select and locate mineral lands?

Mr. SARGENT. Unquestionably. I am glad the Senator has called my attention to it.

Mr. SCOTT. I wish to have the attention of the Senator having the bill in charge, as well as of the Senator from California, directed to that question, for I suppose it could hardly be intended that the Legislature should be permitted to select the most valuable mineral lands in Colorado for the purpose of enabling them to erect their public buildings.

Mr. LOGAN. Is there not a law now that prevents mineral lands being sectionized at all?

Mr. SARGENT. No, sir.

Mr. LOGAN. I understand the law regulating the mineral portion of the country to be where lodes are located there is only so much permitted to be taken up; and such land is not susceptible of entry at all.

Mr. SARGENT. The law has been changed in that respect, and now miners can take up lands by legal subdivisions. The provision which the Senator refers to was repealed in 1872 so as to facilitate the taking up of mineral lands, so that a miner whose claim is forty acres or a company of miners whose claim is forty acres may describe it by the regular rectangular system. What the Senator refers to is not now the law.

Mr. LOGAN. I will ask the Senator if this is not almost precisely a copy of the bill that admitted Nevada and of quite a number of bills for the admission of other States in the West?

Mr. SARGENT. I should have to examine in that respect to answer the question.

Mr. LOGAN. I understand it is. I do not want to discuss the bill, but I wish to direct attention to one fact. The objection that is made is to the taking of mineral land and to the grant of the 5 per cent. We ought at least to deal fairly with the new States that are coming in. The State that I in part represent, when it was admitted into the Union, was allowed every sixteenth section throughout the whole State, and received it. The sixteenth section in every township was set apart for school purposes. The State also received 5 per cent. of the proceeds of the sales of the public lands. It does seem to me that States which have been admitted on such terms as the States have heretofore been ought not to complain of the terms of this bill.

Mr. SARGENT. Allow me to direct my friend's attention to section 7, which gives not only section 16 but section 36 also for the purpose he refers to:

SEC. 7. That sections numbered 16 and 36 in every township, and where such sections have been sold or otherwise disposed of by any act of Congress, other lands, equivalent thereto, in legal subdivisions of not more than one quarter-section, and as contiguous as may be, are hereby granted to said State for the support of common schools.

Mr. STEWART. That provision has been in such bills for over twenty years.

Mr. SARGENT. I admit it; but the Senator remarked that in Illinois we gave the sixteenth section. I want to show that we also give the thirty-sixth section to Colorado.

Mr. LOGAN. I am not sure but that Congress did the same to several States, but I will not state it for I have not looked recently at the legislation. I am sure, however, that in other States the same thing was done. This is a copy of that provision.

Mr. SARGENT. I am not complaining of that provision, but of the other one.

Mr. LOGAN. The other one is applicable in some of the States which have been admitted.

Mr. SARGENT. I do not object to the 5 per cent. on sales hereafter, but I do not want this accounting on past sales which may bring the Treasury largely in debt.

Mr. LOGAN. Whether it applies to sales hereafter or includes prior sales it is precisely the language incorporated in bills admitting States heretofore. The Senator says some trouble has arisen in reference to that matter. That is true; but the question—I am not going into it now—in reference to Ohio, Illinois, and Indiana in connection with the national road is a very different question from this. The claim as to paying back a portion of the 5 per cent. there arose on entirely different grounds.

At this late hour in the session, when sending the bill back to the House may probably cause its defeat, it does seem to me that we ought not to find these objections to the bill for the admission of this Territory as a State when the same provisions precisely are in bills admitting States heretofore where they have asked it, and no hardship has resulted and no complaint has been made in reference to them. It seems to me on the same principle we ought to allow these provisions to be incorporated in the bill admitting this State.

Mr. HITCHCOCK. The honorable Senator from California, in the name of economy, proposes to strike out two words, the usual words which have been in other enabling acts and which have allowed other incoming States to obtain 5 per cent. on the proceeds of those public lands which had been sold during their territorial existence.

Whatever may be the purpose of this amendment, the result probably of any amendment to the bill which would remit it to the other House would be to defeat the bill, and the effect of this economical measure would be that the United States will continue to pay all the expenses of the Territory of Colorado for an indefinite period of time.

Now, I think it would not be very becoming in the United States to select Colorado as a conspicuous instance of economy. I think that if Colorado is admitted she should receive the liberal provisions which other new States have received heretofore on their admission, and I think that the 5 per cent. on the proceeds of the sale of public lands, which other new States have received, should very properly be allowed to her in order that this new State may have some small amount in her treasury at the inauguration of the new State government. As a matter of economy I am sure it is better that this bill should pass in its present form than that the Territory of Colorado should continue to be governed at the expense of the United States.

Mr. EDMUNDS. What is the pending question, Mr. President?

Mr. SARGENT. My amendment is to strike out the words "have been or" in lines 2 and 3, and the words "prior or" in line 3 of section 12.

Now, to show that I am not captious at all, am simply pleading for what has been done heretofore, I call attention to my own State where mineral lands were excepted, while there is no exception in this case. Here you grant absolutely without any reservation all these 613,920 acres of land; and I inquire whether that is wise when it is known that the principal industry of Colorado as of my own State is in mines of gold and silver? How are you going to protect the miners in their rights there under the laws of the United States? You grant these lands absolutely to the State. The Senator shakes his head. Let him make a logical answer to it, then; a shake of the head is not a logical answer. In the California act, section 6, making donations of land, and which by the way were much more restricted than those in this bill, reads:

> With the exception of lands appropriated under the authority of this act, or reserved by competent authority; and excepting also the lands claimed under any foreign grant or title, and the mineral lands.

I think the same provision was in the Nevada act; but as to that my friend from Nevada can inform me. I know we have jealously required, and the Government has pursued the policy in all grants of public lands, that the mineral lands shall be excepted. You sell them at a higher price. You sell your quartz lands at $5 an acre, other mineral lands at $2.50 an acre; they are never allowed to go under your pre-emption and homestead laws; but here is a proposition to give six hundred and thirteen thousand acres, without any reservation at all, and do you not suppose that the speculators know where to direct the locations of these lands and that they will select mineral lands? There will come from that State a wail of distress from men engaged in mining operations when they find that speculators have got the title of the State to the lands which they supposed they held under a United States title or under a possessory right; and a conflict will be brought about between the speculators and the miners, and acts like those that occurred in my own State recently, under an attempt to evade the exception which was named in the section that I have referred to in the case of the Keystone mine, may be witnessed.

The Keystone mine was a mine which had been held for fifteen or twenty years. There was machinery on it the value of a quarter of a million of dollars, and the mine itself was worth probably a million and a half, and it was supposed there was a perfect title; but parties came in under this very section and surreptitiously, or at any rate without its being generally known, procured the title of the State under the assumption that the State could grant a title. They litigated it before the Land Office and in the courts and were finally beaten, but only because the Land Office and the Secretary of the Interior and the courts gave effect to the exception of mineral lands. Otherwise the men who had developed that mine and put all their means into it, and had made a valuable property of it, would have been turned out in favor of men who gave $2.25 an acre to the State for it, and the number of acres was very small.

I want to prevent such things happening in Colorado; and the Senators say that may delay the passage of the bill or defeat it. Then if these evils are in our way, if they necessarily result from careless legislation, defeat the bill, for it is more important that the people of Colorado, the great mining population there, should not be oppressed and the rights taken away from them which they now hold under the United States law, or which they now hold under a possession which is not an exact title yet, than that we should hurry the State into the Union under the proposition now pending before the Senate.

Mr. HITCHCOCK. I want to inquire whether the Senator knows that there is any placer mining going on in Colorado.

Mr. SARGENT. There is no exception here of quartz mining. There is mining going on in Colorado, or else the argument for the bill falls. There is a large mining population and there is no exception of quartz mining.

Mr. HITCHCOCK. Those lands are open to settlement.

Mr. SARGENT. They are sold as public lands at $1.25 an acre unless excepted, and are entered up as such. The Senator by his very question confesses the strength of the argument.

But the question now pending is whether we shall make an accounting with this Territory for the years past when it has been a Territory, and pay out of the Treasury 5 per cent. of the proceeds of the public lands sold heretofore. I think we ought not to do that. As we have paid all their bills this length of time, it is only fair that they should ask us from the time of their admission to pay this amount if we are to pay it at all.

Mr. STEWART. In regard to the particular point now before the Senate, I observe that there is a difference in the different acts. The tenth section of the act for the admission of Nevada provides for granting—

> Five per cent. of the proceeds of sales of public lands lying in said State which shall be sold by the United States subsequent to the admission of said State, &c.

Mr. SARGENT. That is just what I propose here.

Mr. STEWART. But in the act passed at the same session a day or two afterward, with regard to Nebraska, the following is the proviso, which is the same as in this bill:

> That 5 per cent. of the proceeds of sales of public lands lying within said State which have been or shall be sold by the United States prior or subsequent to the admission of said State into the Union, &c.

I have not had time to look over all the acts, but I believe this provision is in the acts for several other States. There is no mineral-land exception in Nevada. In all respects this bill is the same as the Nevada bill, except in regard to the twelfth section. I do not apprehend, in administering this law, any difficulty on the mineral-land question, because, in the first place, it must be done by the State authorities under State law; and I do not think a Legislature that would provide for the selection of mineral lands would ever be a Legislature again or any member thereof. I think it is perfectly safe to leave it to the State Legislature whether they will select mineral lands, because I do not think if they did any of them would ever go to the Legislature again. The people would not trust them. In the next place, before the lands can be selected under this section, they must be surveyed lands or subject to survey, and the surveys are only extended to mineral lands under certain restrictions. The mineral lands are only surveyed for the purpose of disposition as mineral lands. They are surveyed in pursuance of the applications of those who desire patents. If a man desires mineral lands, he applies for a survey and a patent. The Government does not survey the mineral lands on its own motion. So they will never be in a situation to be selected by the State. There cannot be any possible danger on the mineral-land question; and the only point is as to the few dollars that may arise from 5 per cent. of the proceeds of lands already sold. The States on this point have been treated differently; the precedents are not uniform. It is a small amount, and it cannot make any great difference, so I do not think it worth while to amend the bill.

Mr. SARGENT. Does the Senator remember the case I referred to where the Keystone mine was attempted to be seized under a title from the State?

Mr. STEWART. Yes; that was an outrageous proceeding.

Mr. SARGENT. Why may not that arise here? If you license the State in this instance to select mineral lands, why may it not arise again? The only thing that saved us there was the mineral exception.

Mr. STEWART. There was no mineral exception in the grant of the sixteenth and thirty-sixth sections.

Mr. SARGENT. There was in the California act, and this was a mine in California. By pleading the exception we saved that mine.

Mr. STEWART. There was a general reservation of mineral lands in the California act.

Mr. SARGENT. The grant of the sixteenth and thirty-sixth sections contained the reservation of mineral lands. It was that reservation which enabled us to save the Keystone mine from being gobbled up under a pretended State title.

Mr. HITCHCOCK. I have a single suggestion to make in response to the Senator from California in regard to his motion to strike out the word "prior." The honorable Senator states that the word "prior" was not in the act for the admission of the State of Nevada. That is very true, and for the very good reason that no public lands in the then Territory of Nevada had been sold previous to its admission as a State, and consequently there was no propriety in the insertion of that word. In regard to my own State, public lands had been sold, as is the case in Colorado, and the word "prior" was very properly inserted.

Mr. STEWART. Upon the point raised by the Senator from California I make this distinction: The sixteenth and thirty-sixth sections were granted to the several States by a general act in place; that is, not to be selected. That was an absolute grant, and required

no selection whatever, and consequently it was important that there should be a reservation, because it granted the particular sections. Here is a grant, not in place, but to be selected from sections. There cannot be sections, according to the rulings of the Department, until there has been a survey and the land has been sectionized. The Government, under its present arrangements, does not sectionize the mineral land, and does not survey them for that purpose, but surveys them on application of parties who desire title. Consequently under the system the Legislature cannot select mineral lands, because they would not be sectionized and subject to selection. I do not think there would be any danger even if they had power to do it, for no Legislature would do it.

Mr. SARGENT. The Senator must remember that a bill passed in 1872 in which he and I had so very large a part and consulted so often, where the prohibition which before that time existed on the survey of mineral lands was repeated; and in my State, and it may be so in Colorado, under the law there is no distinction in surveying now, whether lands are mineral or agricultural. The surveys run right along over both.

The seventh section of this bill, to which I further call the Senator's attention, provides for the same grant in place of the sixteenth and thirty-sixth sections, so that the mischiefs which I referred to may just as well apply under the Colorado bill as they did in the case of the Keystone mine, where we were only saved by the fact that there was a reservation of mineral lands from the grant of the sixteenth and thirty-sixth sections. I want that same chance for the miners of Colorado that we have found the benefit of in California.

The VICE-PRESIDENT. The question is on the amendment of the Senator from California, which will be read:

The SECRETARY. The amendment is in section 12, to strike out, in lines 2 and 3, the words "have been or" and in line 3 to strike out the words "prior or;" so as to make the section read:

That 5 per cent. of the proceeds of the sales of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, &c.

A division was called for, and the ayes were 11.

Mr. SARGENT. I ask for the yeas and nays. Let us see whether we have a quorum of the Senate when we are attending to such business as this.

The yeas and nays were ordered.

Mr. MORTON. Mr. President, I should like to be informed by some one who has examined this question whether other States admitted into the Union have been admitted on the terms contained in this section. If they have had 5 per cent. on the proceeds of all lands sold before that time paid to them, then Colorado should be treated in the same way. If they have not, that may alter the question. If this is to take money out of the Treasury and pay it over to the State, I simply want to know what the practice has been.

Mr. HITCHCOCK. I will say for the information of the honorable Senator that it has been the practice in late years, applied to my own State and to other States which have been lately admitted; but the word "prior" was not in the enabling act for the admission of Nevada, because no public lands had been sold in that Territory prior to its admission as a State, and consequently there was no propriety in the insertion of that word.

Mr. SARGENT. I do not know how that may be. I know the State of Nevada was a Territory for two or three years before its admission as a State; and I presume that during that long time there must have been some land sold to the citizens of that Territory. Section 10 of that act provides that—

Five per cent. of the proceeds of the sales of all public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State for the purpose of making and improving public roads, constructing ditches or canals, to effect a general system of irrigation of the agricultural land in the State as the Legislature shall direct.

I propose that the same rule shall apply here, and it ought to apply in all cases, and it especially ought to apply where we have maintained a territorial government for so many years, paying all its expenses, and where the fund must have accumulated very largely. Where a Territory is almost immediately admitted as a State, so that such a provision would cause us to expend very little money on its account, it might not be worth while to raise the question whether the sales should have been "prior" or "subsequent;" but where the amount is necessarily large the distinction is worth attending to.

Mr. SAULSBURY. I can see no good reason for taking 5 per cent. of the proceeds of the sales of the public lands which have been heretofore sold and covered into the Treasury out of the Treasury now and giving it to this State after it is formed. It is certainly a very liberal donation to the State to give it 5 per cent. of the proceeds of the public lands which may hereafter be sold. I shall therefore vote for the amendment of the Senator from California. I think it is right and in the interest of economy and protecting the Treasury.

Mr. CRAGIN. There is no time to examine this question; but I have been on the Territorial Committee for ten years, and I venture the assertion here to-day that no enabling act providing for the admission of any Territory into the Union as a State, except the Territory of Nevada, can be found without the exact language of this bill. It has been the practice from the foundation of the Government to give this 5 per cent. on sales of public lands prior and subsequent to their admission.

Mr. STEWART. In Nevada there had been no prior sales.

Mr. SARGENT. So far from its being the practice from the foundation of the Government, in my own State the Government did not give us the 5 per cent. We never received a dollar of it. And the same is true of Oregon.

Mr. CRAGIN. California was not a Territory.

Mr. SARGENT. Oregon was a Territory, and you did not give it a dollar. I say California was a Territory, and we thundered here at the doors of Congress a long while to be admitted.

Mr. CRAGIN. The Senator knows that it was not a Territory in the sense in which we use that term.

Mr. SARGENT. Then the argument is all the stronger in our favor, because we did not put the Government to any expense to maintain us in infancy. We paid our own bills; and if other States had this set-off, certainly California ought to have had it.

Mr. EDMUNDS. Mr. President, I am in favor of the admission of the Territory of Colorado as a State upon a just bill, which shall do justice to the people of that Territory and do justice to the United States; but I have had frequent occasion to say that I do not think we are justified in passing a measure without proper amendments, if they be right and necessary, upon the fear that the other House may not agree to them. If we were to adopt that as a principle and rule, we should be foreclosed from making any amendments at all to House bills, because nobody knows to a certainty that any amendment that we make will be agreed to.

Mr. CONKLING. That would be as if there were but one House.

Mr. EDMUNDS. As the Senator from New York says, that would result practically in there being but one House. If this bill can be so amended as to conform to my ideas of justness and fairness, I shall vote for it with pleasure; but if we are to reject amendments which seem to be proper in themselves upon the mere ground of a supposed expediency in respect of not sending the bill back to the House of Representatives, then I cannot say that I could vote for it.

Now I come to the amendment proposed by the Senator from California, [Mr. SARGENT,] an amendment which I had marked in the bill and which I had intended to propose myself, to strike out that part of section 12 which provides for paying to this new State 5 per cent. of the proceeds of all the public lands in that Territory that we have sold. I do not see the ground of justice upon which, when a people rich enough and numerous enough and strong enough to be a State apply to us to be admitted as a State in the Union, we are to put our hands into the pockets of the people of the United States and take out the money which now justly belongs to them and give to that particular State any sum of money whatever.

I see the force of what the Senator from Nebraska [Mr. HITCHCOCK] has said about what has been done hitherto in respect of many of the States, but I have never voted for any such proposition, and I do not see the ground upon which I can do so. The question to me is not what has been done before, but what is right; and I do not see, arguing as a question now before us to be decided, upon what ground it is that the people of a Territory who ask to be admitted as a State are to say, "we shall be entitled to a certain proportion of the proceeds of the public lands already sold within our borders." I can see the force, as an act of generosity and assistance, in saying "the public lands already unsold in your Territory and new State, when they are sold, shall be subject to a certain percentage which shall go into your treasury," because the ownership by the United States of these lands of course, until they are sold, prevents the Territory from being filled up. I should be willing, as an act of fair and generous dealing, to say that when all these lands which are not yet taken up shall be sold for cash, not upon estimates upon reservations or other things, but when they are actually sold, a certain percentage of the sales may be devoted to your local purposes. I am willing to do that, but I am not willing to say that the people of the United States shall be taxed to pay to the people of the State of Colorado, who claim to be rich enough and strong enough to be a State now, a part of the public moneys that have been received from public lands or from any other sources already gone by. I do not see the justice of it; I do not see the philosophy of it. I know there are precedents of that kind, but I think it time, in the present state of the country, that we should abandon precedents which to my mind have no longer any force.

I hope therefore, Mr President, confining what I have now to say to the very topic under consideration, that we shall agree to the amendment proposed by the Senator from California.

Mr. HITCHCOCK. I do not know that I ought to say anything more on this amendment. So far as the amount actually involved is concerned it is a matter of very little importance to the people of Colorado. It is a matter of importance to the people of Colorado and to the people of this country, in my judgment, that this bill should pass, and therefore I am earnestly opposed to the adoption of any amendment, for the reason that while I do not think the 5 per cent. amounts to any very large sum, I do think that the admission of Colorado at this time is a matter of very great importance, and I believe that the adoption of this or any other amendment to this bill will peril and probably defeat the final passage of the bill.

Mr. HAMILTON, of Maryland. I as cordially concur with the views expressed by the honorable Senator from California on my

right [Mr. SARGENT] that I do not think it is an argument fair to be made upon a question of so much importance as this that the amendment would imperil this bill. I would ask the honorable Senator from Nebraska how can an amendment that is proper and legitimate and right and fair, as this appears to be, imperil the bill in anywise? I take it for granted that we as a co-ordinate department of this Government have a right, and we should exercise that right, of putting fair and legitimate amendments upon any bill. We have got eight days of this session remaining. This bill can be returned to the House of Representatives, and if it is so imperatively demanded that it should be passed, the House can act upon a proposition of this kind without much debate or without any debate at all.

Therefore I cannot see the force of the objection of my friend on my left [Mr. HITCHCOCK] that we are to force this bill through with obnoxious provisions, provisions which I do not see how he himself can maintain before this body or any other fairly, particularly when it may be doubtful upon other questions involved in it whether this Territory should now be admitted as a State. At all events, if that people is entitled to admission as a State into this Union, we should be careful that, in the organic law by which it is authorized to form a State government, we do no wrong to the people of the United States or to any State in the Union.

Mr. HAGER. Mr. President, I am prepared to vote for some act to enable the people of this Territory to form a State government preparatory to their being admitted into the Union; but unless this bill be amended in some of its details I shall have to vote against it. The only question that has ever operated upon my mind in regard to the passage of any measure of this kind is whether they have sufficient population in the Territory. Before the Committee on Territories, of which I am a member, I think it was pretty well demonstrated at the last session that they had the requisite number. I am inclined to favor some measure, as I stated; but in looking at the details of this bill it is so entirely different from any that I have been acquainted with, and especially from the conditions upon which the State of California was admitted into the Union, that it is a matter of surprise and astonishment to me. Section 7 provides:

That sections numbered 16 and 36 in every township, and where such sections have been sold or otherwise disposed of by any act of Congress, other lands, equivalent thereto, in legal subdivisions of not more than one-quarter section, and as contiguous as may be, are hereby granted to said State for the support of common schools.

If I am not mistaken it was section 16, without the thirty-sixth in jour State. Then in section 8—

Fifty entire sections of the unappropriated public lands within said State, to be selected and located by direction of the Legislature thereof, &c., are hereby granted, &c., for the purpose of erecting public buildings at the capital of said State, &c.

The Government is to have no right to interfere in the selection and location of these lands. It is to be done under the direction of the Legislature of the State or Territory of Colorado. The Department of the Interior would have no right to interfere in any way with the selection or location of those lands. Perhaps that may be right; but I am inclined to think that it is not, in view of other considerations which occur to my mind.

Section 9 provides—

That fifty other entire sections of land as aforesaid, to be selected and located as aforesaid, in legal subdivisions as aforesaid, shall be, and they are hereby, granted to said State for the purpose of erecting a suitable building for a penitentiary or State prison in the manner aforesaid.

Again, this is to be located and selected under the direction of the Legislature of the Territory. Section 10 provides—

That seventy-two other sections of land shall be set apart and reserved for the uses and support of a State university, to be selected in the manner as aforesaid.

Again, by direction of the Legislature of the Territory. Section 11 provides—

That all salt springs within said State, not exceeding twelve in number, with six sections of land adjoining, or as contiguous as may be to each—

Giving them discretionary powers to go beyond what might be adjoining and which in their opinion may be contiguous—

shall be granted to said State for its use, the said land to be selected by the governor of said State within two years after the admission of the State, &c.

Thus putting it out of the power of the Government or the Department in any way to interfere with the selection and location of these lands.

Mineral lands are not exempt by anything that appears here, and with this discretionary power of location and selection by the Legislature and by the governor all the mineral lands in the Territory of Colorado might be taken up under the magnificent grant of lands which is contained in this bill.

Next comes section 12, to which my colleague has proposed an amendment:

That 5 per cent. of the proceeds of the sales of public lands lying within said State, which have been or shall be sold by the United States prior or subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State for the purpose of making such internal improvements within said State as the Legislature thereof may direct.

In the State of California all mineral lands have been hitherto reserved from sale. They are common grants to the people of the State and to the people of the United States. Any one may go there upon the mineral lands and pursue the occupation of mining. They are exempt, as I say; but there is no exemption here. On the contrary, this bill contains a power of itself to enable that Territory to control the entire mineral lands of Colorado.

I desire to propose as an amendment to insert as an additional section, to be section 16, the following:

That all mineral lands shall be excepted from the operation and grants of this act.

I submit it at this time because I am on the floor.

The PRESIDING OFFICER. (Mr. BOUTWELL in the chair.) There is an amendment now pending.

Mr. HAGER. It is not an amendment to the amendment, but I offer it as an additional section to the bill in connection with what I have said and because I happen to be on the floor at this time.

Mr. LOGAN. I did not intend this morning to take any part in this discussion, although I have done so to a very limited extent, for the reason that I am not feeling in a condition to-day to enter into a discussion of any length on anything. But when I hear the Senator from California on my right [Mr. HAGER] speak of the admission of California and the precedent which should apply from it, I feel like reminding him of the fact that the admission of California stands upon ground entirely different from the admission of any other State. It is a well-known fact in the political history of this country that the admission of California was as a part of a set of compromise measures agreed upon in the Congress of the United States. The admission of California was upon different ground from the conditions asked here or that were asked in reference to the admission of any other State. When we come to speak of precedents by which we might, whether we ought or not to be, be governed, we should refer to the precedent of States placed on a different basis from California at the time of its admission.

I said a moment ago that I would have no particular objection to these amendments, provided there was time enough in the residue of the session to insure the passage of the bill by the concurrence in these amendments of the other House. I would vote for the amendments if I thought there was anything in them that amounted to enough to require an expression on that side.

The first amendment mentioned by the Senator from California [Mr. SARGENT] is in reference to the word "prior," that is, that the 5 per cent. shall not be paid for lands sold prior to the admission of the State, but shall apply to lands sold subsequent to the admission of the State. Upon that point I desire to ask the Senator, and ask him seriously, what the distinction is between the Government paying 5 per cent. on lands sold prior to the admission and on lands sold subsequent to admission. So far as the principle is concerned, there is no difference and there can be no distinction. The only difference is that the percentage on lands sold subsequent to the admission can then be paid out of the money received at the time the lands are sold, while if the land was sold prior to the admission we should have already received the money in the Treasury, and would have to pay out of the Treasury 5 per cent. of the amount we had already got in from the sale of these lands. If any distinction can be drawn in principle on that proposition, I must confess my inability to discover it.

The next proposition is that the mineral lands are not excepted. Now, I have no objection to excepting mineral lands. I do not think they ought to be selected by the State; but let us reason about this thing; let us look at it in a plain, practical point of view, and see what the result is. Do not Senators who favor this amendment know the fact that the Government has not surveyed the mineral lands? Do they not know the fact that the Government does not propose to survey the mineral lands? Do they not know the fact that the mineral lands are subject to location by persons taking them up for mining purposes in small amounts, and that they pay four dollars an acre? They may take them up in small amounts. This bill must necessarily refer to placer lands, for this reason: Placer lands are the lands that are subject under the law to purchase from the Government. Its application therefore must be to the lands surveyed and for sale by the Government, and not to the lands which have been excepted from survey. The Senator from California lives in a mining region; and does he not know that if the officers of a State were to select a certain number of sections of land in a mountainous region without reference to the mines, where mines might be discovered and located, where they could not survey their claim, every constituent of theirs would look upon them as being at least partially insane, when there were placer lands surveyed by the Government on which their selections ought to be made and would be made? It does seem to me that that is reasonable at least to presume.

Without extending my remarks very far, I wish to call attention to one precedent, and that I only allude to because it is my own State. When the bill was passed April 18, 1818, admitting Illinois into the Union, that State was admitted upon four specified conditions. What were they?

First. That section numbered sixteen in every township, and, when such section has been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State for the use of the inhabitants of such township for the use of schools.

There in that vast domain of Illinois, almost every acre of which was susceptible of cultivation, every sixteenth section was granted to the people of the State for school purposes. Following this is a condition in reference to salt springs, which the Senator objects to

here. We have a number of salt springs in Illinois, and at one time a great amount of salt was made there:

Second. That all salt springs within such State, and the land reserved for the use of the same, shall be granted to the said State for the use of said State, and the same to be used under such terms and conditions and regulations as the Legislature of the said State shall direct: *Provided*, The Legislature shall never sell nor lease the same for a longer period than ten years at any one time.

There is the proposition in reference to salt springs and land adjacent thereto.

Third. That 5 per cent. of the net proceeds of the lands lying within such State, and which shall be sold by Congress, from and after the 1st day of January, 1819, after deducting all expenses incident to the same, shall be reserved for the purposes following, namely: two-fifths to be disbursed, under the direction of Congress, in making roads leading to the State; the residue to be appropriated, by the Legislature of the State, for the encouragement of learning, of which one-sixth part shall be exclusively bestowed on a college or university.

Fourth. That thirty-six sections—

Besides the sixteenth section, mark you—

That thirty-six sections, or one entire township, which shall be designated by the President of the United States, together with the one heretofore reserved for the purpose, shall be reserved for the use of a seminary of learning, and vested in the Legislature of the said State, to be appropriated solely to the use of such seminary by the said Legislature.

Now, there is every proposition, varying somewhat in amount but very little, and varying in language only to a small extent, that you find in this bill. Yet the Senator from California on my right [Mr. HAGER] says that when he read this bill he was perfectly astounded. His astonishment must have been very great. If he had read the precedents that are found in the statutes of the United States he would have known that these conditions apply to nearly every State that has ever been admitted into this Union, and that this bill is almost a *verbatim* copy in these respects of the bill that admitted Nebraska into the Union.

It does seem to me that the objections which are made to this bill are objections, however they might be considered well taken, which amount in effect to nothing, as I have shown in regard to mineral lands and the conditions which have been imposed in the admission of every State in this Union in reference to reservations for certain purposes.

I admit that in the admission of Illinois the 5 per cent. was only allowed on the sale of lands subsequent to the admission of the State; but, as I said before, I cannot see the distinction in principle. I do not understand that there is a distinction, so far as the principle is concerned, between paying 5 per cent. on money received and on money to be received. I cannot understand a difference in principle to save my life.

For these reasons which I have briefly given I propose to vote against these amendments; and for the other reason, as I said, that I think they may endanger the bill.

Mr. SARGENT. I propose to perfect the bill if I can, by offering amendments that will make the bill such that there will be some protection to the people of Colorado after it is passed, and prior to that I propose to perfect the bill so as to protect the United States Treasury. There is a great difference between making up an account for the last ten years for the sale of public lands in the past and paying in the future, although the Senator says he does not see any difference in principle. So far as the future is concerned, we shall have the money coming in and we can make such disposal of it as we see fit. So far as the past is concerned, we simply create a debt. It is well known that the Treasury is not overburdened, and if we count up two or three hundred thousand dollars due that Territory, we have got to take it out of funds not coming in, which may be diverted to that purpose, but out of the Treasury. I do not think it is just to the Government. I put it on that ground. We have been paying the expenses of this Territory for many years past, nursing it along, paying the mileage and salaries of members of its Legislature and other officers, and I do not think it is just that we should be required now to pay this amount.

But the principal objection I have to this bill as it now stands is that it strikes away every guard around the rights of the miners of Colorado. They have simply taken a law which relates to an agricultural State like Nebraska, and put that on here without discrimination, which I must say the Mining Committee of the Senate never would have done in regard to a Territory which is mixed—mineral and agricultural—and more important in mining than in agriculture. In my State it would work disastrously, and I call the attention of the Senator from Nevada to this case, that such a provision as I designed to propose to this bill and as my colleague proposes would save great disaster and great injustice. That reserves the sixteenth and thirty-sixth sections where they are mineral lands from passing to the State. There is no such guard in this bill where the sixteenth and thirty-sixth sections are given, nor in the thirty-two thousand acres given for erecting public buildings, nor in the forty-six thousand given for a State university, nor in the thirty-eight hundred and forty given in connection with the salt springs. I do not object to any of those grants except that they are very large in this age of the world when we are endeavoring to secure the disposition of all other lands for homestead purposes. I say with all of that and with the forty-six thousand and eighty acres given for purposes of internal improvement and the thirty-two thousand acres given for a State prison and the thirty-two thousand given for other public buildings, not one of these acres is protected, if it is mineral, from seizure by speculators who may get the State title surreptitiously or by superior inducements that they can hold out in the same manner that there was an attempt made to grab the Keystone Mine in California, which had been in the possession of men who had developed it for a dozen years. By the ultimate decision of the courts that question was soon put at rest and that exception saved; and if that had not been so, if we could not have established the principle in the courts, by the Land Office saving that mine, hundreds of mines in the State of California situated on the sixteenth and thirty-sixth sections would have gone in just the same way, and our miners would have been robbed and would have lost their possessions. That is an illustration. In that case I took a personal interest, contrary to my usual habit of not interfering in matters before the Departments. I went without fee or reward and protested against the injustice of any other decision than this saving construction of that law, and followed it by a written protest which I put on file there, and which remains to this day, against overruling that exception in favor of speculators. I say in view of that recent experience not two years gone now, I stand here to protest against turning over the miners of Colorado to the injustice which would arise provided that exception was left out of this bill.

Now, as I have said repeatedly, the only question is whether we shall go back to this accounting during the time we have kept this Territory at our own expense. The yeas and nays have been ordered on that, and I hope we shall have the vote.

Mr. PRATT. The pending proposition, I understand, of the Senator from California is about section 12, so that 5 per cent. of the proceeds of the sales of the public lands in Colorado shall be paid over hereafter to the State, and not 5 per cent. of the proceeds of the sales which have accrued heretofore. If that is the nature of the amendment, I propose to address to the Senate a few observations upon that point.

I have been curious to examine the earlier precedents upon that subject. I have before me the several enabling acts under which the States of Ohio, Indiana, and Illinois were admitted into the Union, and I find that in every case the provision is explicit that the 5 per cent. of the proceeds of the sales should be paid over to the new State at some day subsequent to the passage of the enabling act. Take, for instance, the case of Ohio, which was admitted into the Union in 1802. The condition there was—

That one-twentieth part of the net proceeds of the lands lying within the said State sold by Congress from and after the 30th day of June next, after deducting all expenses incident to the same, shall be applied to the laying out and making public roads, &c.

The provision in the enabling act under which the State of Illinois was admitted into the Union is similar in its terms. The third condition is—

That 5 per cent. of the net proceeds of the lands lying within such State, and which shall be sold by Congress from and after the 1st day of January, 1819, after deducting all expenses incident to the same, shall be reserved for the purposes following.

The enabling act under which Illinois became a State was passed on the 18th of April, 1818. These proceeds were to be paid over to that State from and after the 1st day of January, 1819. Now I turn to the case of Indiana. Indiana was admitted under an enabling act passed by Congress on the 19th of April, 1816; and it is provided in the first section—

That the inhabitants of the Territory of Indiana be, and they are hereby, authorized to form for themselves a constitution and State government, and to assume such name as they shall deem proper; and the said State, when formed, shall be admitted into the Union upon the same footing with the original States in all respects whatever.

Then it provides certain conditions. Section 6 provides:

That the following propositions be, and the same are hereby, offered to the convention of the said Territory of Indiana, when formed, for their free acceptance or rejection, which, if accepted by the convention, shall be obligatory upon the United States, &c.

Then comes the provision to which I wish to refer. The third condition is:

That 5 per cent. of the net proceeds of the lands lying within the said Territory, and which shall be sold by Congress from and after the 1st day of December next—

That is, the 1st day of December, 1816—

after deducting all expenses incident to the same, shall be reserved for making public roads and canals, of which three-fifths shall be applied to those objects within the said State, under the direction of the Legislature thereof, and two-fifths to the making of a road or roads leading to the said State under the direction of Congress.

I have not had time to pursue the precedents any further. But in these three great States express provision was made, as will be seen by what I have read, that the proceeds were to be paid over only as they should come into the Treasury at a date subsequent to the admission of the State into the Union. Now, why should not this rule apply to Colorado and apply to her with much greater force than it applied to these States because I do not see any provision in this bill similar to that which was incorporated into those several enabling acts admitting Ohio, Indiana, and Illinois to the Union? They were allowed these proceeds in consideration that they would, by an ordinance irrevocable, provide that none of the lands belonging to the United States should be taxed for the period of five years after their sale. That provision was carried into every enabling act under which the States which are now old but which were young States then

were admitted into this Union. They were allowed this percentage on these proceeds because they relinquished to the United States for the term of five years after the lands were sold the power of taxation. If there is any similar provision in this bill providing for the admission of Colorado into the Union, I have been unable to find it. I trust my honorable friend from Nebraska [Mr. HITCHCOCK] will point it out if there is. After this motion shall have been disposed of, I shall move to strike out this entire section. I am unable to perceive any reason whatever why any of the proceeds of the sales of the public lands in Colorado should be paid over to her after her admission as a State. I inquire what reason there is, what precedent there is why these proceeds should be paid over when she gives no equivalent in the shape of a release from taxation of the lands of the United States for the period of five years.

Mr. HOWE. Mr. President, in the State of Maine it was once the law, if it is not now, that when a young man arrived at the fixed age of twenty-one years he was emancipated from the control of his father, and had the right to direct his own exertions and to appropriate the proceeds of his own exertions. I knew in that State once a very rich and a very parsimonious man who had but one son, not a good many, only one; and one day he became twenty-one years of age, and by the law of the State he was entitled to his own time and the proceeds of his own efforts thereafter. His father insisted, however, that he should enter into that estate only upon the condition that he should take with him one cow and take possession of a tract of pine barrens upon which the grasshoppers which visited Nebraska and Kansas the last summer would have despised themselves if they could have thought of settling for a moment. The young man in obedience to parental authority took his cow and took possession of the lot, and you will not be surprised to hear that in a very few years he committed suicide. [Laughter.]

We have no general law which determines when our children, the children of the Republic, shall become of age and shall have the right to set up for themselves. We have been in the habit of fixing that time as each individual child came forward to claim it. Another child is here to-day asking to be emancipated from the parental authority, so to speak, of the United States, willing still to be a child, but wanting, like other emancipated children, the right to guide herself. My own judgment is that we ought to confer that right upon the people of Colorado or withhold it, one of the two. If we give it, I think we had better give it in a generous, cordial, decent, fatherly, if not motherly way; not cuff their ears and tell them to go, nor kick them and tell them to go. If we withhold it, withhold it altogether.

I have but one test by which to judge for myself when this thing we call a State ought to be admitted or not. Whenever I find a community friendly to the United States and able to pay the expenses of their own government, defray the charges of their own control, if they say they are willing to do it, I am not the man to forbid them. If my own judgment is not quite in accord with theirs, if I find a pretty spirited and a pretty plucky people saying that they are equal to the work of self-government, when I am not quite satisfied of the fact myself, I rather yield my own opinions to theirs. I would rather encourage a little ambition of this kind than discourage it. But whenever a case of that kind comes, if the point on which you hesitate is whether they are really equal to defraying their own charges or not, that is not the people for you to drive a hard bargain with, but be a little generous, be a little liberal with that people if you are going to be with any.

Now, we stand here disputing at this present time whether we will pay to the State of Colorado 5 per cent. of the proceeds of all the public lands which have been or may be hereafter disposed of within her limits, or only 5 per cent. upon such proceeds as may be derived hereafter. The precedents are both ways. The great majority of precedents are, as has been stated by the Senator from Indiana, in favor of paying the 5 per cent. on the future sales. That was done as he says with Ohio; that was done with Illinois; that was done with Indiana; that was done with Wisconsin; that was done with Iowa; that was not done with Minnesota. The precedents are both ways. All I can say about it is that the difference is not probably $5,000 in the case of Colorado; I do not know that it is a thousand dollars, I really do not know at all what it is. We stood here the other day and voted $10,000, a free gift, to educate whom? The children of certain Indian tribes not any more nearly related to us, not any more nearly related to the best of us, than these people in Colorado.

Mr. SARGENT. My impression is that the Senate struck that out.

Mr. HOWE. No, sir. We had a pretty tight struggle to prevent it being voted at $30,000. I believe we did prevent that, but the $10,000 we adhered to.

Mr. HAGER. The record says it was stricken out.

Mr. HOWE. The $10,000? That was not my recollection.

Mr. HAGER. I asked the question of the Chair, and the Chair said it would be stricken out if the amendment then moved prevailed, and it did prevail.

Mr. HOWE. My recollection is so very distinct that I do not think I can be mistaken; but if I am mistaken, then we are $10,000 better off, and can so much the better afford to do justice to Colorado.

The Senator from Indiana, [Mr. PRATT,] however, makes a point which I should like to have attended to, and I hope the Senator from Nebraska [Mr. HITCHCOCK] will explain that. It is true, as the Senator from Indiana says, that in every instance these grants of land or these grants of money have been made to these Territories as the equivalent for certain conditions imposed upon the Territory for admission as a State, fundamental conditions. I never thought there was a great deal of value in these conditions, though there is some, perhaps. I should really hope it would be explained why these conditions are left out. I shall vote, however, against the pending amendment. I shall vote for 5 per cent. on the proceeds of lands already sold, as well as lands hereafter to be sold.

Mr. PRATT. Before my friend from Wisconsin takes his seat I will read to him the clause to which I referred; it is the same in Ohio and Illinois that it is in the enabling act by which Indiana was admitted into the Union:

And provided always, That the five foregoing provisions herein offered are on the conditions that the convention of the said State shall provide by an ordinance irrevocable, without the consent of the United States, that every and each tract of land sold by the United States from and after the 1st day of December next shall be and remain exempt from any tax, laid by order or under any authority of the State, whether for State, county, or township, or any other purpose whatever, for the term of five years from and after the day of sale.

Mr. HOWE. Yes, and we do not mean to take the State in at all without imposing those conditions; but I want to suggest to my friend that he will not meet the difficulty if he leaves the conditions out and takes compensation by refusing the 5 per cent. and the other grants of land. Striking them out does not make the omission any less objectionable. The conditions should go in and these provisions should not be stricken out.

Mr. TIPTON. Mr. President, on the subject of this 5 per cent. fund——

Mr. STEWART. Will the Senator from Nebraska give way? I should like to make a request of his colleague that he waive further opposition to this amendment. This amendment, and two or three others, several Senators desire to make, and I think we shall get along better with the bill if these amendments are consented to without further opposition.

Mr. TIPTON. I propose to make the statement with which I commenced. The explanation given by the Senator from Indiana to the Senator from Wisconsin in regard to the commencement of the custom of paying 5 per cent. to States on the sales of lands I think is accurate. It was in order to make some compensation to the State, from the fact that the State was not able for five years to derive any revenue from the lands thus sold. Now, in regard to the new States, we are not able to derive any revenue from the lands sold by the General Government to individuals, or rather to those who are homesteaders, for the space of at least about seven years. This 5 per cent. has been given to the State of Nebraska on all lands sold before it was admitted as well as on all the lands since sold, and it is also a fact in regard to our legislation that in order to draw a larger amount into our new State treasuries from the 5 per cent. fund an act was passed in the case of the admission of the State of Alabama, and it was extended to the State of Mississippi in 1857, and extended to other States in the Union afterward, allowing all the unsold Indian reservations within a State to be estimated as lands already sold at $1.25 an acre; and on this estimate of Indian reservations before ever they were sold State after State has received thousands and tens of thousands of dollars from the General Government as a 5 per cent. fund. I am not certain that Nebraska has ever received more than perhaps twenty-five or thirty thousand dollars—I cannot be exact as to the amount—from this 5 per cent. fund; but I do know that we felt that we are entitled to $60,000 recently by estimating our Indian reservations as though they could be included also as lands sold. We went to the Treasury Department, and I think our claim was allowed until it reached the Comptroller. The Comptroller set it aside, and we are now seeking by legislation to have the privilege of taking from the Treasury of the United States $60,000 on account of Indian reservations which have not been sold, and we can only do it by having the act which was passed for the benefit of Mississippi extended to the State of Nebraska, as she was not a State at the time that act was passed.

So, then, the history of this 5 per cent. fund is before the Senate, commencing with it as given to the States of Indiana, Illinois, and Ohio; then extended to some of the other States, and given to Nebraska on the sale of lands before she was admitted as well as on the sale of lands subsequently, and then the extension of an act to the States of the Union allowing them to estimate their Indian reservations as though they had been also sold at $1.25 an acre and giving them 5 per cent. on such sales. I leave the history of the 5 per cent. fund with the Senate.

Mr. STEWART. I ask the Senator from Nebraska who has the bill in charge [Mr. HITHCOCK] to withdraw opposition to this amendment and let it be adopted. It cannot injure the bill, and I am inclined to think it will be more satisfactory to the Senate.

Mr. HITCHCOCK. So far as the amendment itself is concerned, I have no particular objection, as I stated before, to its adoption. It amounts in the aggregate to a very small sum. The precedents which have been quoted here in regard to the matter are correct, because the earlier acts were less liberal than the later ones. States admitted years ago did not receive 5 per cent. on the proceeds of lands sold prior to their admission. States recently admitted have received it. My own State has received it. It amounts, however, as I said before, to a very small sum, and Colorado is abundantly able to pay her own

expenses without this 5 per cent. It will be a conspicuous example of economy on the part of the Senate of the United States if they save four or five thousand dollars in the case of Colorado; and so far as that in itself is concerned I have no objection; but as I said before, I have objection to any amendment. I desire if possible to prevent any amendment being adopted for the reason that I believe it will peril the passage of the bill, and I sincerely and earnestly desire the passage of the bill, and so I shall ask for a vote upon this amendment. And I hope it will be voted down.

Mr. SARGENT. I can assure the Senator that he makes a great mistake. It will take a long while to pass this bill, provided the Senator who has it in charge and the particular friends of the bill insist that it shall pass without amendment. We propose amendments which we can defend upon principle; we bring forward precedents establishing their correctness; and the Senator does not object to the correctness of the amendments, but stating that he has no objection to them intrinsically, will not allow the bill to be amended. That is not legislation. If the Senator desires to oppose the amendments on any legitimate principle which he may suggest, that is another proposition; but when he simply stands here and says, "This bill shall not be amended, no matter what reasons may be given," then I assure him it will take a very long while to pass his bill. I should be sorry to take up the time of the Senate, but I think after a recent exercise of my wings in that direction, I can take a little while on the bill if it be necessary to prevent its passage in a form disastrous either to the Treasury or to the people of Colorado.

Mr. HITCHCOCK. I have no desire of course to prevent the adoption of this amendment provided a majority of the Senate so will. I expect, as I trust the honorable Senator from California expects, to be governed by the will of the majority in that regard. If a majority of the Senate vote to amend the bill in this particular, I certainly shall bow to that decision. I desire simply a vote upon this amendment; and that I believe is the ordinary course of legislation.

Mr. SARGENT. Yes, let us have a vote.

Mr. HAMILTON, of Maryland. I desire to say a word upon this amendment. If I understand the section proposed to be amended, it is to pay over moneys already collected by the United States from the sale of its lands in this Territory to the State of Colorado when admitted. Those moneys have been spent. Under the bill, the moment this bill is passed we owe to the State of Colorado this amount of money, whatever it may be. That is against every precedent which has hitherto obtained, with one exception. In the case of Nebraska I am told that was done; and that I presume was an oversight. Not only is it dangerous in that respect, but may not some States begin to look around for claims against this Government? Are they not continually doing it? We know that percentages from sales of public lands are now claimed by Indiana and other States, and the question is still in controversy. So there are demands for claims as to arms. When these claims have been disposed of, will not those States come back and say "You have been voting money to Nebraska and to Colorado, to all future States that come into the Union as a percentage on lands sold prior to their establishment as States, and we are entitled equitably to the same?" Such claims will be pressed by agents in the different States, for it is not the States that are here generally but the agents who are interested in getting up these claims for States, who receive large percentages for the collection of these claims and get Legislatures to send them here. They can stand before this body and before the country upon the principle "you have given to other States, and why shall not we have it?"

Mr. President, I am opposed to it because it is the creation of a debt. The money has been paid into the Treasury and we have got to go there to take it out; and besides it is establishing a principle upon which other States may in the future come upon us with claims.

The VICE-PRESIDENT. The question is on the amendment of the Senator from California, [Mr. SARGENT,] upon which the yeas and nays have been ordered.

Mr. HITCHCOCK. If it is in order to do so, on consultation with the friends of the bill I am of the opinion that possibly it may facilitate the speedy passage of the bill through the Senate or a speedy vote upon the bill if this amendment is agreed to; and against my own judgment, against my own feelings, I have decided so far as I am concerned, if it is in order, to withdraw any opposition to it.

Mr. SARGENT. With that disposition of the amendment, I am willing to withdraw the call for the yeas and nays.

The VICE-PRESIDENT. With the consent of the Senate the call for the yeas and nays may be withdrawn. The Chair hears no objection to the withdrawal of the call for the yeas and nays. The question is on the amendment of the Senator from California, [Mr. SARGENT.]

The amendment was agreed to.

Mr. SARGENT. I offer the following as a proviso to section 12:

Provided, That this section shall not apply to any lands disposed of under the homestead laws of the United States, or to any lands now or hereafter reserved for public uses.

I desire to say only a word or two in reference to the amendment. When I was up before, I outlined my purpose in stating that I would offer such an amendment, and I believe it covers the ground which I proposed. The remarks of the Senator from Nebraska [Mr. TIPTON] since that time give me an illustration of my idea. I understand that his State has made or proposes to make a claim for $60,000 for lands which are reserved by the United States as Indian reservations, on the ground that if the United States reserves them instead of selling them, the 5 per cent. should go to the State in any event. The Senator assents that that is correct. I want to exclude that exclusion for the future at any rate, and if we have Indian reservations in the State of Colorado, I do not want to have to pay 5 per cent. of a valuation on them to the State for the privilege of holding them. Furthermore, as we are pretty liberal now under the homestead law, and large amounts of land are taken up under it which formerly were not, I do not want to have to pay 5 per cent. on the assessed valuation of those lands under this section to the State of Colorado or any other State that may hereafter come in, or to any State now in the Union. To exclude these conclusions I offer this amendment.

Mr. EDMUNDS. I move to amend the amendment by inserting after the word "public" the words "or other;" so as to read "public or other uses." I am doubtful whether the words "public uses" would cover an Indian reservation or various other reservations that might be named.

Mr. SARGENT. I accept the amendment.

The VICE-PRESIDENT. The question is on the amendment of the Senator from California as modified.

The amendment was agreed to.

Mr. SARGENT. I have one more amendment to offer to this section. After the words "sales of" in line 2, I move to insert "agricultural;" so as to read "that 5 per cent. of the proceeds of the sales of agricultural lands." The percentage has only hitherto been applied to the proceeds of the sales of agricultural land, and I want that word inserted. This of course does not cover the reservation or the subject which is covered by the amendment of my colleague in reference to mineral lands. I had drawn an amendment relating to that subject, but I think his is better than mine, and I will not offer any amendment on that matter, leaving it to him to do so.

The amendment was agreed to.

Mr. HAGER. I now offer the amendment which I before sent to the Chair.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. It is moved to insert as an additional section—

That all mineral lands shall be excepted from the operation and grants of this act.

Mr. HITCHCOCK. That amendment is already covered by the amendment submitted by the other Senator from California, [Mr. SARGENT.]

Mr. SARGENT. No, sir.

The amendment was agreed to.

Mr. EDMUNDS. I move to amend section 3, lines 22 and 23, by striking out the words "from the passage of this act," and inserting the words "next after the 1st day of September, 1875;" so as to read:

Which proclamation shall be issued within ninety days next after the 1st day of September, 1875.

The object of this amendment, with one or two others which I shall offer in the same connection, is to give the people of the Territory a considerable space of time between the passage of this act and the issuing of a proclamation for the election of members of a constitutional convention, in order that this most important act which the people in this Territory can ever perform will have undergone public discussion for a period long enough to have public opinion take a definite shape.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.

Mr. EDMUNDS. In the same connection and to carry out the same idea, in section 5, line 16, I move to insert after the word "held" in line 6 the words "in the month of July, 1876;" so that it will read, "for submitting said constitution to the people of said State for their ratification or rejection at an election to be held in the month of July, 1876;" thus fixing the month within which the election ratifying the constitution shall be held.

Mr. HITCHCOCK. I hope that amendment will not be adopted. It is simply postponing the admission of Colorado to some time in the year 1876 at least. I understand the object of the Senator's amendment is to postpone the election for the ratification of the constitution to July, 1876.

Mr. EDMUNDS. The Senator is right.

Mr. HITCHCOCK. I believe that Colorado is entitled to admission now. I believe she is entitled to admission upon every consideration of right. I believe there are there a sufficient number of American citizens to be entitled to representation and admission as a sovereign State. The object of this amendment is to postpone their admission to some future and indefinite time. I hope it will not be adopted.

Mr. EDMUNDS. Probably there is not any great object in the Senator from Nebraska or myself making speeches about these questions. There are very few Senators present; but to those who are present, I will say that I think this is a very important amendment; and it is that after this convention shall have been called, as we have now agreed, in September, 1875, and shall have met therefore in the winter of 1875–'76 and submitted their constitution to the people,

that there may intervene a space of five or six months between the time when the constitution is agreed to by the convention and the time when the people are called upon to vote on it. I think that in most of the older States, I think in most of the newer ones, according to their constitutions, regulations exist for a considerable space of time between the proposal of a constitution or an amendment to a constitution by a convention to the people and the time when the people are called upon to vote on it, in order that every citizen of the community may have ample time to study the fundamental and most important instrument that can exist in a State and to vote upon it intelligently. That is all there is to it; and inasmuch as this amendment only gives at the most six months, and probably in fact not more than four or five, it appears to me that it is of great importance to this people that their first fundamental law should be made sufficiently familar to them that they may understand perfectly what they are voting for as the fundamental law of their State.

The question being put on the amendment, it was declared that the noes appeared to prevail.

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

The yeas and nays were ordered; and being taken, resulted—yeas 27, nays 22; as follows:

YEAS—Messrs. Allison, Anthony, Bayard, Bogy, Davis, Eaton, Edmunds, Frelinghuysen, Gilbert, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Johnston, Kelly, McCreery, Merrimon, Morrill of Vermont, Norwood, Ransom, Sargent, Saulsbury, Sprague, Stewart, Tipton, Washburn, and Windom—27.

NAYS—Messrs. Cameron, Clayton, Conover, Cragin, Dorsey, Flanagan, Hamilton of Texas, Hamlin, Harvey, Hitchcock, Howe, Jones, Lewis, Mitchell, Oglesby, Pease, Pratt, Ramsey, Robertson, Schurz, Scott, and Wright—22.

ABSENT—Messrs. Alcorn, Boreman, Boutwell, Brownlow, Carpenter, Chandler, Conkling, Cooper, Dennis, Fenton, Ferry of Connecticut, Ferry of Michigan, Ingalls, Logan, Morrill of Maine, Morton, Patterson, Sherman, Spencer, Stevenson, Stockton, Thurman, Wadleigh, and West—24.

So the amendment was agreed to.

Mr. HAGER. I wish to offer an amendment to section 8, line 5, after the words "Legislature thereof," to insert "with the approval of the President."

As the bill now reads in section 8 certain land is "to be selected and located by direction of the Legislature thereof." I wish to add "with the approval of the President," so that it will require the approval of the Department here. I think, as it relates to the public domain, we ought not to delegate this power of selection and location without reserving some control in the Department; and I understand it has been the practice hitherto that these locations shall be made with the approval of the President, which of course would throw it to the Department, that the Department may know what is going on. I think that is perfectly right.

Mr. HITCHCOCK. I have no objection to that amendment.

The amendment was agreed to.

Mr. HAGER. To carry out the same purpose, in section 9, line 2, after the word "location," I move to insert "and with the approval as aforesaid;" so as to read:

That fifty other entire sections of land as aforesaid, to be selected and located and with the approval as aforesaid, in legal subdivisions as aforesaid, shall be, and they are hereby, granted, &c.

Mr. HITCHCOCK. I make no objection.

The amendment was agreed to.

Mr. HAGER. Now, in section 10, line 3, after the word "selected," I move to insert "and approved," so as to read "to be selected and approved in the manner aforesaid."

The amendment was agreed to.

Mr. HAGER. In section 11, on line 3, I move to strike out the word "or" and insert "and," so as to read "with six sections of land adjoining and as contiguous as may be to each," instead of "or contiguous."

The amendment was agreed to.

Mr. INGALLS. Has any change been made in the thirteenth section of the bill as it was originally printed?

The PRESIDING OFFICER, (Mr. ALLISON in the chair.) The Chair understands that no change has been made.

Mr. INGALLS. That section refers to a chapter and section of a statute that has no longer existence. I move to strike out all after "that" in the first line down to and including the words "eighteen hundred and forty-one" in the fourth line, and insert:

Section 2378 of the Revised Statutes of the United States.

The reason for making the change is that the statute referred to in the bill has been repealed and the provision of the section referred to is now incorporated in section 2378 of the Revised Statutes of the United States.

Mr. BAYARD. The Revised Statutes have as yet been furnished to very few members of the Senate; and I ask the Senator from Kansas to be kind enough to explain what is the effect of this amendment.

Mr. INGALLS. The effect of the amendment is simply to apply the provision of the eighth section of the act of the 4th of September, 1841, to the State of Colorado, the original act having been repealed and the section to which this refers having been incorporated in the Revised Statutes, which is now numbered section 2378.

Mr. PRATT. Please read that section.

Mr. INGALLS. It reads as follows:

There is granted for purposes of internal improvement to each new State hereafter admitted into the Union, upon such admission, so much public land as, including the quantity that was granted to such State before its admission and while under a territorial government, will make five hundred thousand acres.

Mr. BAYARD. I merely desire to understand what was the matter referred to.

The amendment was agreed to.

Mr. PRATT. I move now to strike out section 12, which provides for the giving of 5 per cent. of the proceeds of the sales of the public lands in Colorado to that State. I wish to take the sense of the Senate upon that proposition. This bill goes beyond all other bills granting lands to new States. For example, section 7 gives the sixteenth and thirty-sixth sections of land in every township for the benefit of common schools; section 8 gives to the State fifty sections of the public domain for the purpose of erecting public buildings at the capital of the State for legislative and judicial purposes; section 9 gives to the State fifty sections of land for the purpose of erecting a suitable building for a penitentiary. Is there any precedent for that?

Mr. LOGAN. Yes.

Mr. PRATT. In what State?

Mr. LOGAN. Nebraska.

Mr. PRATT. The precedent is of a very recent date.

Mr. LOGAN. Kansas, too, I think.

Mr. PRATT. Section 10 gives to this new State seventy-two sections of land to be set apart and reserved for the use and support of a State university. That is an old provision, I admit. Section 11 gives to this State seventy-two sections of land contiguous to salt springs. The earlier legislation was simply to give the salt springs themselves to the States, to be leased by them.

Mr. LOGAN. I will state to the Senator from Indiana that although the bill allowing Illinois to be admitted into the Union did not expressly provide the number of acres of land granted for that purpose, yet an act of Congress prior to that set apart lands at the salt springs in Illinois, and at Shawneetown and at Brownsville there were very large bodies of land set apart with those salt springs; I do not remember the number of acres. Afterward, Congress some years ago—I introduced the bill myself—transferred the land to the State, and by an act of the Legislature the land was surveyed and sold. I do not remember the number of acres, but there was a very large tract of land accompanying each one of the salt springs reserved.

Mr. PRATT. I am not objecting to these bountiful provisions in the way of public lands; but I am objecting to the proposition that in addition to all of these large grants, some of them it seems to me unusual, to the State of Colorado we should also give to that State, which I understand from the statement of the honorable Senator from Nebraska [Mr. HITCHCOCK] this morning contains an area three or four times as large as the State of Indiana, the twentieth part of the proceeds of all the public lands to be sold hereafter within that State.

What equivalent is reserved by this bill to the United States for these liberal grants? Heretofore, as I endeavored to show when I was up before, there was in every enabling act, in consideration of these various bestowments, a provision that the new State should abstain from taxing the lands of the United States for the period of five years after their sale. That was a provision inserted in all the enabling acts, for the purpose of promoting the early settlement of those States and inducing men to invest their money in the purchase of the public lands. That was the equivalent, and it was a great equivalent, which the United States received in return for these large bestowments. But there is nothing of that sort reserved in this bill. All of these lands and the 5 per cent. of the proceeds of the lands to be hereafter sold are bestowed upon the State without her rendering any equivalent whatever according to the earlier legislation in like cases.

I think this new State ought to be contented with these liberal bestowments of the public lands without asking that a twentieth part of the proceeds of all the large public domain within her limits that shall hereafter be sold shall be paid into her treasury for the purposes of internal improvement. If I remember aright, the Government has been very liberal with this Territory heretofore in the way of subsidies for building a great railroad that runs into the Territory from Missouri. But in addition to that you are to give 5 per cent. of the proceeds of all the lands hereafter to be sold, let those sales be large or little. It is not likely that the amount will be very large under our present pre-emption and homestead system; but what I object to is the principle. It is an entire departure from the earlier legislation. Similar grants were made to Ohio, to Indiana, to Illinois, to Alabama, to Mississippi, and to Missouri, in consideration of the fact that they would abstain when they became States from taxing the public lands for five years after they were sold; and there is no similar provision in this bill.

Mr. HITCHCOCK. Mr. President, I will state in a single moment the difference between the situation of the public lands and the method of obtaining the public lands in Colorado and the method of obtaining public lands in olden times in Indiana and in Illinois, to which the Senator alludes. At that time any person could enter public lands by paying his $1.25 per acre and could obtain title thereto. At the present day in the Territory of Colorado the only method of obtaining title to public agricultural lands is by pre-emption or homestead, and mostly under the homestead law. By the provisions of that law a man is unable to obtain his title from the United States for the period of five years; and during those five years, although

the State government is at the expense of maintaining law and order and sustaining government there, the State is not able under the law to tax this land. For that reason there is a propriety in allowing this 5 per cent. to States admitted now which did not exist at the time of the admission of Indiana and Illinois.

One thing more in answer to the Senator. He stated that the Government had been very liberal in subsidies to railroads within this Territory. I have to say to the honorable Senator that there are now running and completed within the limits of the Territory of Colorado seven hundred and thirty-five miles of railroad, and not one mile of it has received a money subsidy from this Government and only two hundred and fifty miles ever received any land from this Government.

Mr. FRELINGHUYSEN. I would ask the Senator from Nebraska whether there is in this bill, as I have not examined it, any provision that the lands of the United States shall for five years be exempt from taxation by the State?

Mr. HITCHCOCK. No such provision is necessary, because the lands are exempt not only for five years but for fifty years, so long as the United States holds them.

Mr. PRATT. The Senator forgets the point that I made. The earlier enabling acts provided that this exemption from taxation should exist for the period of five years after the Government had sold the lands. That was the point I made.

Mr. FRELINGHUYSEN. I will read the language of the provision:

Provided, That the foregoing propositions are offered on the condition that by an ordinance irrevocable without the consent of the United States the State shall provide that each and every tract of land sold by Congress shall remain exempt from any tax laid by order or under authority of the State, whether for State, county, or township, or any other purpose, for the term of five years after the day of sale.

That provision is in all the acts creating the States from the time of Ohio down to the present.

Mr. HITCHCOCK. Does that provision exist in recent acts for the admission of recent States?

Mr. FRELINGHUYSEN. For the admission of all the States down to the time that Missouri was admitted, as I know from an examination of them.

Mr. HITCHCOCK. As I said before, that provision did exist and was proper perhaps then; but now after settlement is made on the lands, after a man goes and takes a homestead upon the lands, he does not obtain title for the space of five years; and for that reason there is eminent propriety in the 5 per cent. being given to the State, because while it is compelled to maintain law and order and protect that settler, it is unable to tax his land.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Indiana [Mr. PRATT] to strike out the twelfth section as amended.

Mr. MORTON. It strikes me that on this point the Senator from Nebraska is right, although I agreed with my colleague when he first made his point. The enabling act of Indiana provided that 5 per cent. of the proceeds of the sale of lands made after her admission should be given to the State upon the condition that the land sold by the United States should not be taxed for five years. Then there was no homestead law and the lands were all sold. Now the settler locates upon the land and at the end of five years he gets his patent and then the land is taxed, so that the result is about the same, that for five years the lands are not taxable in either case. I think that is a good answer as to such of the lands as are settled upon under the homestead law.

Mr. LOGAN. But if these five years are added, it will be ten years before they can be taxed.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Indiana [Mr. PRATT] to strike out the twelfth section.

The amendment was rejected; there being on a division—ayes 9, noes 30.

Mr. EDMUNDS. I move to strike out section 13. The thirteenth section provides:

That the eighth section of the act of Congress entitled "An act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights," approved the 4th day of September, 1841, shall be and is hereby declared applicable to the State of Colorado when admitted into the Union as herein provided.

I find on looking at the eighth section of the act of the 4th of September, 1841, that it provides:

That there shall be granted to each State specified in the first section of this act five hundred thousand acres of land for the purposes of internal improvement.

And it then proceeds to provide how these acres shall be selected, &c., which I will not take the time of the Senate to read. The States named in the act of 1841 are Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, Arkansas, and Michigan. The effect of this section, then, is to give to the State of Colorado five hundred thousand acres for purposes of internal improvement. Lands in Colorado which are fit for agricultural purposes are somewhat scant, as we all know. The grants of lands made to the recent States have not included this eighth section of the act of 1841; and when we admitted the State of Nebraska, which I take for an example, and which I feel somewhat sure will have force with my friend from Nebraska who has charge of this bill, we did not give, so far as I have been able to observe in reading the act, these five hundred thousand acres of land to Nebraska.

Mr. HITCHCOCK. But you did give it by a supplemental act afterward.

Mr. EDMUNDS. I did not know that; but I can well imagine, in the scramble for public lands that took place about the years 1864, 1865, and 1866, and which has swamped the public-land system of the United States, that something of that kind could have been done; but in the original and well-considered act that was not provided for. Besides, there have been granted to railroad corporations lands in the Territory of Colorado which have been devoted to public improvements to a very large amount. So that the case does not stand as it stood in respect to all these earlier States through which, when they were admitted, railroads had not been projected and had not received land grants; but it stands in the attitude of a people whose internal improvements by large grants of land have already been provided for. Then, if we now add to what we have already given for purposes of internal improvement in Colorado five hundred thousand acres more of land, we shall be doing more for Colorado than we did for the States named in the act of 1841. I think that is unjust. I think if this people is strong and rich, as it is said to be, and I believe it, they are able to take care of themselves, and if they have already received all the benefits of internal improvements through railways built out of the aid of the Government, either in bonds or in lands, it is not just to say that the land of the people to the extent of five hundred thousand acres shall be taken in addition and given to them on the old theory which applied to States where internal improvements had not yet been begun and carried on. This is my motive for moving to strike out this section.

Mr. HITCHCOCK. I have but a word to say on this amendment. By the Revised Statutes of the United States, section 2378, it is provided:

There is granted, for purposes of internal improvement, to each new State hereafter admitted into the Union, upon such admission, so much public land as, including the quantity that was granted to such State before its admission and while under a territorial government, will make five hundred thousand acres.

Now, if it is the desire of the Senate, on the ground that Colorado is able to get along without it, to make Colorado an exception, I submit; but I think it is very remarkable economy, and I trust it is an exhibition of economy that the Senate will not at the present time make.

Mr. STEWART. I hope this amendment will not be agreed to. It would be making an exception against Colorado that has not been made against any Western State since the first act was passed. They have all had this grant, and in Nevada it was specially beneficial. The Legislature of that State asked that it might be diverted to common schools, and we got the consent of Congress, and those lands have been sold and we have a nice common-school fund from them, and it has been of great service.

Mr. EDMUNDS. That does not come under the head of "internal improvements."

Mr. STEWART. No; but we diverted it to that purpose with the consent of Congress. We have the finest common-school fund there of any State in the Union of its size. I hope that Colorado will have it and that she will do as well with it as Nevada has done.

Mr. EDMUNDS. My friend from Nebraska has referred me to section 2378 of the Revised Statutes. It declares:

There is granted, for purposes of internal improvement, to each new State hereafter admitted into the Union, upon such admission, so much public land as, including the quantity that was granted to such State before its admission and while under a territorial government, will make five hundred thousand acres.

So that if you keep this section in the bill the State of Colorado will receive under the bill, first five hundred thousand acres of land for internal improvements specifically under the act of 1841; she will then under the Revised Statutes receive five hundred thousand acres of land to be disposed of as she pleases to dispose of them. Does the Senate mean to say she is going to get a million acres of land?

Mr. HITCHCOCK. I think the honorable Senator was not present when the bill was amended in that respect a few moments ago referring to this very section of the Revised Statutes. That section has already been amended.

Mr. EDMUNDS. Which section?

Mr. HITCHCOCK. Section 13 in the bill, to which he alludes.

Mr. EDMUNDS. Let me hear section 13 read as it now stands.

Mr. HITCHCOCK. The Senator was not present at the time. I think he does not understand what action has been taken.

The SECRETARY. As amended, the section now reads:

That section 2378 of the Revised Statutes of the United States shall be, and is hereby, declared applicable to the State of Colorado when admitted into the Union as herein provided.

Mr. EDMUNDS. Very good. Then we have changed the phase of it from what I understood it to be. Now I have an observation to submit in moving to strike out the section as it now stands, which is just as strong to my mind as it was before, because when I made the motion I did not know of this section 2378. As it now stands we are to give five hundred thousand acres of land to the State of Colorado to dispose of as she pleases. She may sell that land and put the money into her general treasury and save taxing her people by that amount. It does not require that it shall be devoted to schools; it does not require that it shall be devoted to internal improvement; but it is an absolute, unconditional gift to that State of that much land. What has she got already in the bill? By the twelfth section she has 5 per cent. of the proceeds of the sales of public lands to be devoted to the purposes of internal improvement. She has sections numbered sixteen and thirty-six in each township for the support of

common schools. She has fifty entire sections for the purpose of building a State-house, &c. She has fifty other sections for the purpose of a penitentiary. She has seventy-two other sections for the purpose of a university, and has, as I have said, 5 per cent. upon the sales of all the rest.

Now, then, if the United States are asked to give this people, who say that they are strong enough to be a State and take care of themselves, five hundred thousand acres more, amounting to a million dollars out of the Treasury of the United States, I should be glad to know the ground that it is put upon, except that it has been given to other States before. The argument of what has taken place hitherto is not very strong with me. I can remember the time, within my short service in this body, when every Senator had a corkscrew, a penknife, and a tooth-pick, and I do not know what else, given to him; but a republican Senate and House of Representatives, among all their other sins of that character, have cut off that sort of thing. So the argument that some other State in some other time has had given to her a million dollars, as a bonus on admission into the Union, has no force with me. We have provided liberally for this State, and we ought not to take a million dollars from the pockets of the people of the United States and put it in the pockets of the people of this Territory merely because they insist upon being made now a State.

Mr. MORTON. I think the Senator from Nebraska ought to consent to this section going out, because it amounts to nothing. The State gets the five hundred thousand acres under section 2378 of the Revised Statutes. Section 13, as it stands in the bill, simply extends to the State the benefit of that section, which is taken from the act of September, 1841, so that it makes no difference to the State whether this section is in or out.

Mr. HITCHCOCK. I consent to the amendment striking out the section.

Mr. CAMERON. I am very sorry the Senator has consented to it. I think we ought not to treat these new sisters we are bringing in differently from what we treated the rest. We are giving to her that which we can spare and which costs us nothing. Why should Colorado come here with a less patrimony than any of the other States in the Union? There is no reason for it at all. Who is there among all the older Senators who has daughters who get married who would not be glad to portion them with anything that they could spare themselves? It takes nothing from us. These lands we have given nothing for. They have never been anything to us except a cost; and why should we not give them to enable this new State to become as great and as powerful and as useful as any other State in the Union?

Colorado, if she is admitted at all, is going to have a great future. She is filled with minerals, has an immense territory which will always be unproductive, and probably great portions of this land we give to her now will be of no use at all. No man will go there to become a farmer. Very few will go there to become herdsmen. Most of her people will be miners and these lands, now worthless, if they ever become worth anything will be so because of the industry of the people who are induced to go there. We must give them greater inducements than we gave in Kansas, in Nebraska, in Ohio, in Indiana, and in Illinois, where every man can go and take up forty or eighty acres of land and make himself a fortune. The people who go there will have to endure hardships for long years. I would not only give them as much as any other Territory has had, but I would give them a great deal more.

I am not clearly satisfied about this bill; but if Colorado is to be brought into the Union, I would give her every opportunity to make herself as great as she can become.

Mr. HITCHCOCK. I assented to the amendment on the understanding that by the provisions in the Revised Statutes now Colorado would receive as other States have received. Therefore I am willing this section should be stricken out.

Mr. SCOTT. I desire to say a word on the general subject of this bill. It has been my pleasure to have had considerable intercourse with citizens of Colorado, and so far as their general intelligence and character is concerned, certainly I know of no population for whose admission into the Union as a State I would more cheerfully vote, were there not other considerations to be taken into view in deciding that question. Coming now to the very question which has been under consideration as to the grant of lands which shall be made to this State, I wish to say in all candor that I think there are some things which ought to be considered in view of that question that I have not yet heard suggested. They may have been suggested when I was not in the Chamber.

The section of the Revised Statutes to which reference has already been made grants the five hundred thousand acres of land for purposes of internal improvement. They are not granted for general purposes, as has been stated by the Senator from Vermont, but all lands previously granted for purposes of internal improvement are required to be deducted in making up that account. Now what has the General Government done for Colorado heretofore in that direction? It is true the grant has not been made directly to the Territory, but there is the Kansas Pacific Railroad which runs a very considerable distance through the Territory of Colorado, to which was made not only a very large land grant but a subsidy in bonds by the Government. There is the Denver and Pacific Railroad which runs from Cheyenne down to Denver, the capital of the Territory and that also is a road to which a large land grant was made. Although these grants were made in name to the railroad companies, yet they were made for the purpose of the improvement of the Territory, just as effectually as if the grant had been made to the Territory itself. So that if we were to go into an adjustment of the rights of Colorado Territory with other Territories, and compare the question of how much one and how much the other has received, these land grants made to two railroad companies should be considered in adjusting that question.

If Colorado is to be admitted, I say with my colleague I wish her to come in as well provided for as any other Territory; but it is proper when more is asked than any other Territory has asked, if that is asked, that all the circumstances surrounding her admission should be considered. I deem it but fair to call the attention of the Senate to these facts that the land grants heretofore made to these railroads have inured to the benefit of Colorado Territory in her internal improvements just as effectually as if they had been granted to the Territory herself.

Mr. LOGAN. If the Senator will allow me, I know he did not intend it, but he stated in his remarks that not only a land grant but a subsidy in bonds had been given to these roads. He is mistaken in that. There was no bond subsidy attached to the railroad after it entered Colorado. It stopped at some other point, some fifty or sixty miles within the Kansas line.

Mr. SCOTT. I may be incorrect in stating that the bond subsidy extended over the whole line of the Kansas Pacific Railroad, but there was a subsidy to the Kansas Pacific Railroad.

Mr. LOGAN. It did not extend to Colorado; it was stopped by Congress. I was in the House at the time myself. They attempted to extend it after the line had been swung around, clear on through to Denver, but it was stopped at a point I do not remember now, but some miles inside of Kansas and did not extend to Colorado.

Mr. SCOTT. The Senator speaks from recollection and is doubtless correct; but a land grant I say was given to the railroad in that Territory.

Mr. LOGAN. That is true. I am speaking of the bond subsidy.

The VICE-PRESIDENT. The question is on the amendment.

Mr. MORTON. What is the amendment?

The VICE-PRESIDENT. To strike out the thirteenth section.

Mr. HITCHCOCK. I think there is no objection to striking that out.

Mr. MORRILL, of Maine. I understand the Senator who has charge of this bill to consent to its going out.

The VICE-PRESIDENT. The question is on the amendment.

The amendment was agreed to.

Mr. EDMUNDS. In order to meet the suggestion made by the Senator from Pennsylvania respecting the effect of section 2378 in respect to internal improvements I move the following amendment, to come in as a section in the place of the one just stricken out:

That section 2378 of the Revised Statutes shall, in its application to the State of Colorado, be so construed as to provide for the deduction from the amount of lands granted by said section of the amount of lands granted in any manner to aid works of internal improvement in any part of said Territory and State.

Section 2378 provides:

There is granted for purposes of internal improvement to each new State hereafter admitted into the Union, upon such admission, so much public land as (including the quantity that was granted to such State before its admission and while under a territorial government) will make five hundred thousand acres.

These land grants to aid internal improvements in that Territory which have taken effect, and under which the improvements have already been made, were not made to the Territory by name; they were made to railway and other corporations, but the Territory has had the solid benefit just as if they had been granted to the Territory directly, as in early times such grants were made to the Territory of Kansas, and so on, and then to the State of Kansas when it should come in, in aid of public improvements. It is a mere technical difference. The Territory and its people have received the benefit of these land grants, made on purpose to develop internal improvement in the Territory. Now, I think it is just, in order to put this Territory upon an equal footing with the States that have already received similar aid, that the lands which have been devoted to the building of internal improvements in the Territory although not granted directly to the Territory but turned over to some railway corporation, which have been granted to the corporation itself, should be deducted. My amendment, therefore, provides that in making this adjustment with the State of Colorado the lands that have been granted in that Territory for internal improvements in it—not out of it—shall be deducted in making up this five hundred thousand acres, which puts her upon the precise footing of the other States.

The VICE-PRESIDENT. The amendment will be reported.

The SECRETARY. It is proposed to insert as section 13 the following:

That section 2378 of the Revised Statutes shall in its application to the State of Colorado be so construed as to provide for the deduction from the amount of lands granted by said section of the amount of lands granted in any manner to aid works of internal improvements in any part of said Territory and State.

Mr. HITCHCOCK. I shall feel it my duty to resist that amendment, and I am sorry to take the time of the Senate in doing so, because I am very anxious to get a vote on this bill. As I said before,

all we ask for Colorado is that you make the like appropriations for her that have been made in recent enabling acts for the admission of other new States.

Mr. EDMUNDS. This does it exactly.

Mr. HITCHCOCK. This is not treating her as other States recently admitted have been treated. As I said before, while there are seven hundred and thirty-five miles of railroad now completed and running within the limits of Colorado, there are but two hundred and fifty miles which have received a land grant from the General Government, and not one mile has ever received a bond subsidy.

Mr. EDMUNDS. This amendment does not touch that part.

Mr. HITCHCOCK. While this amendment does not of course affect the roads that have received no subsidy, yet it does not place Colorado upon the same footing that other States have been placed. Nebraska, for instance, received her five hundred thousand acres of land, although the Union Pacific traverses her whole length from east to west, a distance of nearly five hundred miles. I trust that the amendment will be voted down.

Mr. LOGAN. I desire to say but a word in reference to this amendment. I ask the Senator from Vermont whether he intends by this amendment to include the lands that were donated by the General Government to the Union Pacific Railroad or that branch of it which runs through the Territory of Colorado?

Mr. EDMUNDS. I intend to include all lands in that Territory that have been given in aid of railroads in that Territory, although they were not, as the custom at first was, granted directly to the Territory for the purpose.

Mr. LOGAN. I presumed that was the meaning of the amendment. If that is the meaning it would be much better, if the Senate intends to adopt this amendment, to provide that Colorado shall not have any land at all under this section in the Revised Statutes, because the Senator certainly is aware of the fact that the amount of land granted to that division of the Union Pacific Railroad running through Colorado amounts to over eight hundred thousand acres, nearly one million acres, and this provides that it shall be deducted from the five hundred thousand acres. Upon its face it looks as though Colorado was getting something, but the fact is that three hundred thousand acres more have been already donated to that railroad than would be allowed to Colorado under this section of the Revised Statutes. It does seem to me that that is a strange kind of legislation.

I believe in treating these new States as they come in as other States have been treated. Here is the State that I in part represent. After having had a donation of land, magnificent and grand, for the purpose of building the Central Railroad through that State from Cairo to Chicago and a branch to Galena, making seven hundred miles of railroad in that State taking the two branches together, granting them a large body of land, still under this statute the State of Illinois got the five hundred thousand acres of land. So with every other State in the Union that has land in it belonging to the Government. It does seem to me, after they have all received these grants and yet are entitled to the five hundred thousand acres under that statute, it is not fair to deprive Colorado when it comes in as a State from having the same rights that are given to every State in the Union having Government land within its boundaries.

I hope this amendment will not be adopted. I will not say it is a subterfuge, but it is a deception. It looks as though it was giving land to the State, when in fact three hundred thousand acres more than the statute gives have been already donated to one railroad.

Mr. STEWART. I hope this amendment will not be adopted or any amendment making a discrimination against Colorado after the precedent is thoroughly established. It does not look right.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Vermont, [Mr. EDMUNDS.]

Mr. LOGAN. I move to lay the amendment on the table.

Mr. EDMUNDS. That will carry the bill with it.

Mr. LOGAN. I beg pardon; I withdraw the motion.

Mr. HAGER. I would like to ask the Senator from Illinois whether it is customary to give 5 per cent. and then also five hundred thousand acres for internal improvements? Here in section 12 internal improvements are provided for. Section 13, as I understand, grants five hundred thousand acres more for the same purpose. I would ask whether there is any precedent for granting lands and then also giving the 5 per cent. upon sales? I am not very familiar with it, and I wish information.

Mr. LOGAN. Certainly. Every State has received the 5 per cent., and every State has received the five hundred thousand acres—not every State——

Mr. PRATT. Since 1841, when this law was passed.

Mr. LOGAN. I am speaking of States admitted since the law was passed. But this statute is applicable to all the States having Government land within their borders. All that have Government land get it. Every State receiving donations of lands for the purpose of building a railroad, having Government lands, would receive this under this statute. Illinois will not get the five hundred thousand acres. Why? Because there is no Government land in the State; that is the reason. But I say every State having Government land gets it, and I say as to my own State it applies to it if it has Government land the same as to any other State. It does not get it because there is no Government land in the State. It applies to all States that have Government land, and they get the 5 per cent. besides.

Mr. MORTON. The Senator from Illinois I think is mistaken in one statement. It only applies to States admitted after the passage of the act. The act says:

There is granted for purposes of internal improvement to each new State hereafter admitted into the Union, &c.

Mr. HAGER. I was merely going to say that inasmuch as the Senate have refused to strike out section 12, it seems to me that section 13 ought to be stricken out, unless, as I said, it has been the custom to make both of these donations, the 5 per cent. and the five hundred thousand acres of land.

As I said when I was on the floor early in the morning, I am inclined to favor the passage of this bill, provided it gets into such shape as is not in conflict with previous legislation. I am not disposed to make a new precedent in this bill which must control hereafter. It does appear to me as if all the grants and donations that have hitherto been made to all territorial governments have been combined in this bill. While in one instance a Territory has had one and another one, it seems as if all were brought together in this bill. Now, I would ask if we are not going beyond what we ought to do in establishing a precedent for the future? If the bill is in such a shape as I think it ought to pass, I will vote for it, but I am under the impression that section 13 should be stricken out.

Mr. EDMUNDS. I must say one word in support of my amendment, in reply to the observations of the Senator from Nebraska and the Senator from Illinois. In the case of Kansas I am quite sure that the land grants which were made were made directly to the Territory, to be used for purposes of internal improvement.

Mr. INGALLS. Does the Senator refer to the five hundred thousand acres?

Mr. EDMUNDS. I refer to the land grants in aid of railroads generally. But the Territory of Kansas, or the State of Kansas after she became a State, according to the section of the Revised Statutes which has been read, immediately turned over the land grants to railroads who would make these internal improvements. The object that Congress had in view was to aid the people of the Territories and new States in works of internal improvement. The method is a mere matter of incident. Whether the grant be made to the State or to the Territory in the first instance to be applied to building railroads, or whether it be made to the railroad company itself upon condition that it should build in the Territory or State, is of no consequence at all.

Now, when you apply that to the Territory of Colorado, what do you find? You find that by numerous land grants, made, it is true, not technically to the Territory by name, but for the same object that we granted to other Territories—that is, for railway works—we have given, instead of five hundred thousand acres, more than double that for the benefit of the people of the Territory of Colorado, and those lands have been disposed of and the works of internal improvement have been built. Now, the question is, that having been done, whether it is just to take from the people five hundred thousand acres of land more, in addition to what has already been given, and devote it to this purpose of internal improvement. Any Senator who thinks we ought to double the dose will vote against my amendment. Any Senator who thinks we ought not I think ought to vote in favor of it.

Mr. MORTON. It seems to me that the amendment offered by the Senator from Vermont is not in harmony with the spirit of the section of the Revised Statutes, for this reason: That section provides for the off-set that may be made. The off-set is by excluding the quantity that was granted to such State before its admission and while under a territorial government. It provides that the set-off shall be such land as was granted to the Territory as such, to be administered by the Territory. This contemplates a grant of land of five hundred thousand acres, to be administered by the State for such improvements as in the judgment of the State ought to be made, deducting from it such as the Territory got, which the Territory as such administered according to its own discretion. Now, land granted to a railroad company was a thing over which the Territory had no control whatever. The Territory was not consulted about it. It was granted to the company to be controlled by the company and not by the Territory. Therefore such a grant does not come within the spirit of the section of the Revised Statutes.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The question is on the amendment of the Senator from Vermont, [Mr. EDMUNDS.]

The question being put, there were on a division—ayes 24, noes 22.

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

The yeas and nays were ordered; and being taken, resulted—yeas 22, nays 28; as follows:

YEAS—Messrs. Anthony, Bayard, Cooper, Davis, Eaton, Edmunds, Goldthwaite, Gordon, Hager, Hamilton of Maryland, McCreery, Merrimon, Norwood, Pratt, Ransom, Sargent, Saulsbury, Scott, Sprague, Stockton, Wadleigh, and Washburn—22.

NAYS—Messrs. Alcorn, Allison, Bogy, Boreman, Cameron, Clayton, Conkling, Cragin, Ferry of Michigan, Flanagan, Gilbert, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Jones, Kelly, Lewis, Logan, Mitchell, Oglesby, Pease, Ramsey, Schurz, Stewart, Tipton, and West—28.

ABSENT—Messrs. Boutwell, Brownlow, Carpenter, Chandler, Conover, Dennis, Dorsey, Fenton, Ferry of Connecticut, Frelinghuysen, Hamilton of Texas, Johnston, Morrill of Maine, Morrill of Vermont, Morton, Patterson, Robertson, Sherman, Spencer, Stevenson, Thurman, Windom, and Wright—23.

So the amendment was rejected.

Mr. HAMILTON, of Maryland. Now that the material interests of this bill have been settled, I desire to draw the attention of the Senate to section 4. There are some things in that section which it appears to me ought not to be there. The first thing these people have to do after their organization is to "adopt the Constitution of the United States." As soon as the convention adopts the Constitution of the United States, then it is declared to be ready to proceed to business.

Here is the clause:

> And after organization shall declare, on behalf of the people of said Territory, that they adopt the Constitution of the United States.

Mr. MORTON. Does the Senator object to that?

Mr. HAMILTON, of Maryland. Here, I do. I think it was adopted long ago, as the Senator will agree, and prevails everywhere within the limits of the United States. It is at least inconsiderate legislation that we should be engaged seriously and as law-makers in putting stump speeches into bills of this kind. I take it for granted that this assembly is expected to know what they adopt when they adopt the Constitution of the United States. Probably there will be no trouble in this respect with it, but they have their own local affairs when they meet in convention to attend to besides examining the provisions of the Constitution of the United States.

Why put such a thing as that in a bill of this kind? They shall "adopt the Constitution of the United States." That is a mere matter of sentiment that cannot be practical and which cannot advance them toward the accomplishment of the purposes for which they are assembled, but it furthermore says after they have thus organized and thus adopted the Constitution of the United States then they are required to frame a constitution not repugnant to the Constitution of the United States nor to the principles of the Declaration of Independence. What is the use of requiring these untutored men, away out in that Territory, just now coming to manhood, to go into an examination of the principles of the Declaration of Independence, particularly when the very first principle of the Declaration of Independence teaches the very unpopular doctrine, that is at this day, the right of revolution and rebellion? It is a terrible doctrine, according to some gentlemen upon this floor and elsewhere. Is it not absurd legislation for gentlemen sitting here to ingraft a provision of this kind into a bill? It took George Washington and Benjamin Franklin and that class of men from early spring until the 17th day of September to come to a conclusion upon it, and here you want these people to adopt it before they can proceed to any other kind of business, and doing this they are then required to frame a constitution not repugnant to what they have just adopted, and still more this is to be done so as not to be repugnant to the principles of the Declaration of Independence.

Mr. HITCHCOCK. I desire to state to the Senator that because it took George Washington and his fellow-laborers so long and because they so carefully examined the subject, I think it very safe the people of Colorado should adopt it at once.

Mr. HAMILTON, of Maryland. I regret we do not understand it here so as to follow it out as we should. We find it to be a great trouble at times in putting a construction upon it. Every one is ready to talk about the Constitution, and how soon to disagree as to its true meaning, and this is generally from the first day we meet in December to the end of the session. Is not such legislation as this absurd? I ask gentlemen why not strike it out? Let us think for a moment that they are American citizens, competent to attend to their own business, and that they will organize a government in conformity to the Constitution of the United States. Why enjoin these things upon them? To my mind it is absurd to address a people in such language whom we can well suppose know something; and if they know anything that fits them at all for free government, it is that the Constitution of the United States is the supreme law of the land.

But there is something more. It is provided in this same clause that—

> The constitution shall be republican in form and make no distinction in civil or political rights on account of race or color, except Indians not taxed.

What has this people done? I ask my honorable friend whether he has been in the Territory of Colorado recently? They are to do what we have been quarreling over ever since I have been a member of the body; they are to have a civil-rights bill put in their organic law. They are required by this provision to do what you yourselves have not been able to do for the country to this day. By one provision in this bill you require the people to be put in a position that is not imposed upon twenty States of this Union. That is what you propose to do in this bill. Why the use of all this? Let the people of that Territory come into the Union and be upon equal terms with the original States. Force no reconstruction policy upon them as we have had upon States South—a policy wrong always, and surely not required as to these people. Let them form their constitution, and then let them be dealt with by the ordinary legislation of the country either as prescribed here or as prescribed at home. Now, you undertake in this very section to impose upon that people in a general provision every provision that you ever did attempt to incorporate in what is called a civil-rights bill.

And why now, I ask my honorable friends? Is it not almost time now to leave these distinctions out of your general laws? Why put in your bill and in every bill that is before us "on account of race, color, or previous condition of servitude"? It is about time to stop it, and to legislate for the American people, having no reference to words, or things, or distinctions of that kind, and then, whatever your ordinary legislation affects let it be affected generally, as it will be; unless it is found necessary upon special occasions to observe these distinctions, then name them, otherwise not. Why mention it? Is it not time, I ask you, Mr. President, to drop all that kind of legislation, so as not to be continually presenting to the public mind these distinctions? With equal propriety you can as well put these same distinctions into every bill you pass. It is time to stop it, in my judgment, and ought to be stopped here and now.

In this connection I would simply allude to the fact, for I do not design speaking at length—I only call the attention of the Senate to it—that there is no exception in respect to the Chinese. A friend sitting on this side of the Chamber has been for the last two weeks complaining about your Revised Statutes in omitting the word "white" in the naturalization laws, because he desired that that should remain in the statute in exclusion of the Chinese, so that they should be prevented from enjoying the privileges and immunities of other people in this country by reason of their being citizens of the United States. This provision makes no exclusion of them; and this Territory, or this State as it is to be, is close upon the confines of that civilization. There is no exclusion save "Indians not taxed."

My friend from California asks me to move an exclusion. No; I move no exclusion. I move to exclude from this bill all allusion to anything of the kind. Let the people of the Territory citizens of the United States make their own constitution, for I am satisfied that it will be republican in form and republican in substance; I am satisfied that those people will not depart from the principles of American liberty, but that they will, without our direction, conform generally to the principles of the Declaration of Independence, as well as they can understand them or apply them under the Constitution of the United States. If they do anything that is repugnant to the Constitution of the United States, their act in that respect is simply and absolutely void and amounts to nothing. We can trust them as we trust the people in every other State in the Union; and we should not here undertake to direct those people as to the details of a constitution they are to make, because I take it for granted they know, if they know anything, that their State government must be republican in form, and I do not question but that it will be republican in substance.

Mr. PRATT. I move——

Mr. HAMILTON, of Maryland. I thought I made a motion to strike out——

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

Mr. PRATT. I move to add to section 12 the following proviso at the conclusion:

> *Provided, however*, That the aforesaid grants of public lands made in sections 7, 8, 9, 10, and 11, and the payment of said 5 per cent. of the proceeds of the sales of public lands lying within the said State, are made upon the condition that the convention of said State shall provide by an ordinance, irrevocable without the consent of the United States, that every tract of land sold by the United States from and after the 1st day of December next shall be and remain exempt from any tax laid by or under any authority of the State, whether for State, county, township, or other purposes, for the term of five years from and after the day of sale.

Mr. LOGAN. Let me suggest to the Senator from Indiana one point for his notice. By the laws now it is five years before the persons occupying the land get title, and five years from that would make ten years. I am sure he does not want that, but that would be the effect of his amendment. They could not carry on the State government under it. There would be nothing to be taxed. I presume he means five years from the adoption of the constitution. The lands of homesteaders are exempt for five years. What would the State have to tax in order to carry on the State government?

Mr. PRATT. So far as the lands entered under the homestead law are concerned, this provision would not be applicable at all. It provides only for those lands that are sold by the United States.

Mr. LOGAN. But there cannot be any lands entered in that country except under the homestead law.

Mr. PRATT. Can they not be sold under the pre-emption law?

Mr. LOGAN. But under the homstead law it requires five years to make the title perfect.

Mr. PRATT. The meaning of the amendment is that it shall apply from and after the time the sale is made, whether it is made under the pre-emption law or not.

Mr. LOGAN. Still that would be construed to be from the time the Government gave the party a title.

Mr. PRATT. That is not the purpose of my amendment.

Mr. LOGAN. I am satisfied the Senator did not intend that, but I think that will be the construction.

Mr. PRATT. I will submit to any modification to make that matter clear.

Mr. LOGAN. I submit to the Senator that the laws now are sufficient to prevent taxation for five years, because the lands are practically exempt from taxation for that time. The settlers cannot be taxed until they get their title, and to do that requires five years. His amendment would make it ten.

Mr. PRATT. The Senator is talking about lands which may be entered under the homestead law.

Mr. LOGAN. Certainly.

Mr. PRATT. I of course am well aware that the title is not granted to homestead settlers until after the lapse of five years, but that is not the rule in relation to lands entered under the pre-emption laws. The pre-emptioners are not entitled to occupy and cultivate for five years before they can receive patents.

Mr. LOGAN. I do not remember the provisions of the pre-emption law; but the way nearly all the lands are taken up now is under the homestead law.

Mr. HITCHCOCK. As I understand it, substantially the same result would be attained by this proviso as would have resulted had the Senate voted to strike out the provision which the honorable Senator from Indiana moved to strike out some time ago; that is, to provide that no lands shall be taxed by the State for five years after they have been disposed of by the United States. If that is the amendment of the honorable Senator, I desire to say, as I said before, that the reason why this amendment should not prevail is that most of the lands which are now entered are entered under the homestead law; that in accordance with the provisions of that law the settler is upon that land for five years before he obtains his title from the United States and before that land can be taxed. If in addition to these five years it is proposed to add another five years, it is proposing virtually to say that the government of the new State shall have nothing to tax and shall be unable to carry on the State government.

Mr. PRATT. My friend from Nebraska does not understand my proposition. This proposition does not reach any of the lands that are taken up under the homestead law. If they are taken under the homestead law, they are not sold. It applies only to such lands as are sold by the United States. In that case the same rule is applied to Colorado that was applied to Ohio, Illinois, Indiana, and the other States.

Mr. HITCHCOCK. Is the honorable Senator aware of the fact that there is not one acre of land in Colorado that can be sold, under the present laws of the United States, for cash?

Mr. PRATT. I was not aware of it.

Mr. HITCHCOCK. That is the fact. There is not one acre of public agricultural land in the State of Colorado that can be sold for cash. Under the law lands must first be offered at public sale, at auction, and no lands ever have been offered in that way, and consequently no lands are now open for entry in that way; and the only way they can be obtained is by homestead or pre-emption. Most of the lands are obtained under the homestead law, which requires five years to get a title; and the pre-emption laws require at least one year.

Mr. PRATT. The Senator has already answered measurably the question I was about putting to him: whether all lands that are taken up under the pre-emption law are not sold by the United States. Must they not be sold at at least $1.25 an acre under the existing pre-emption law? And, if so, why is it not right and reasonable to apply this rule to lands sold under the pre-emption law to the settler?

Mr. HITCHCOCK. As I said before, it requires at least one year for pre-emptors to obtain the title, and usually they are on the land two or three years. The entries under the pre-emption laws, as I said before, are very few; and furthermore, the House has passed a bill abolishing the pre-emption laws, and that bill has already been reported from the committee of which the honorable Senator is a member favorably, and that will entirely wipe out the pre-emption laws. Consequently there is no reasonable demand for this amendment. I hope it will be voted down.

Mr. EDMUNDS. If it be agreeable to the Senate, I should like to have an executive session on necessary business for about ten minutes and then open the doors again and go on. I accordingly move that the Senate proceed to the consideration of executive business, not for the purpose of adjourning afterward, but only to do a little necessary business for a few minutes.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan.) The Senator from Vermont moves that the Senate now proceed to the consideration of executive business.

Mr. HITCHCOCK. I hope not.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont.

Mr. HITCHCOCK. We can soon dispose of the bill.

Mr. SHERMAN. I ask the Senator from Vermont if he thinks an executive session is necessary now?

Mr. EDMUNDS. I should not have moved it if I had not thought so.

Mr. SHERMAN. I ask the Senator whether on his responsibility he says that he thinks it necessary?

Mr. EDMUNDS. I decline to answer the Senator. I have stated already that I thought there was good reason for it.

Mr. SHERMAN. If the Senator cannot answer a civil question, I will vote against his motion.

Mr. EDMUNDS. I think the question is very uncivil.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont that the Senate proceed to the consideration of executive business.

The question being put, there were on a division—ayes 29, noes 17.

Mr. HITCHCOCK called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 24, nays 32; as follows:

YEAS—Messrs. Bayard, Bogy, Cameron, Conkling, Cooper, Dennis, Edmunds, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Johnston, Kelly, McCreery, Merrimon, Morrill of Vermont, Norwood, Ransom, Sargent, Schurz, Stevenson, Stockton, and Washburn—24.

NAYS—Messrs. Alcorn, Allison, Boutwell, Chandler, Clayton, Conover, Cragin, Dorsey, Eaton, Ferry of Michigan, Flanagan, Gilbert, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Jones, Lewis, Logan, Mitchell, Morton, Pease, Pratt, Robertson, Scott, Sherman, Spencer, Sprague, Stewart, West, and Wright—32.

ABSENT—Messrs. Anthony, Boreman, Brownlow, Carpenter, Davis, Fenton, Ferry of Connecticut, Frelinghuysen, Morrill, of Maine, Oglesby, Patterson, Ramsey, Saulsbury, Thurman, Tipton, Wadleigh, and Windom—17.

So the motion was not agreed to.

Mr. HITCHCOCK. I desire now to say that after a vote is reached on this bill, which I hope will be reached very soon, and before I make a motion to take up the bill for the admission of New Mexico, which I intend to urge after this bill is disposed of, an opportunity will be afforded, and I shall be quite willing that an executive session shall then be had. I hope now we shall have a vote on this bill.

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

The amendment was rejected.

Mr. HAMILTON, of Maryland. Now I move my amendment in section 4, in line 12, to strike out from the word "provided."

Mr. BOGY. Let me suggest to the Senator that his amendment begin after the word "act," in line 7, down to the words "United States," in line 9. Let that be one amendment.

The PRESIDING OFFICER. The Senator from Maryland will state his amendment.

Mr HAMILTON, of Maryland. In line 12 of section 4 I move to strike out all the words, including the word "provided" in that line, down to "Independence," in line 16.

The PRESIDING OFFICER. The words proposed to be stricken out will be read.

The Secretary read the words proposed to be stricken out, as follows:

Provided, That the constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

Mr. SARGENT. I understand that this amendment is to be followed logically, according to the speech of my honored friend from Maryland, by a proposition to strike out that part of the bill which provides that the people of Colorado shall adopt the Constitution of the United States. There could be nothing more appropriate than that the people of a Territory about becoming a State, or the people of the embryo State assembled in organic convention, should adopt the Constitution of the United States. There is not a State in the Union which has not adopted the Constitution of the United States. It is evidence of their loyalty thereafter to the Constitution of the United States that their first act of statehood is that they do adopt that Constitution. And their act in so adopting it is not strange or unnecessary, any more than is the oath which the Senator himself took at the desk of the Presiding Officer of this Chamber when he swore to support the Constitution of the United States; and that oath is taken over and over again, by every Senator who comes here, by every officer of the United States, no matter how humble may be the duties he performs or how exalted the situation which he fills. Consequently it is in accordance with principle and certainly in accordance with practice.

The requisition of this section that the government there formed shall be republican in form, simply is in accordance with the principle of the Constitution of the United States which requires that the United States shall guarantee a republican form of government to each State in the Union; and it is well to require that the constitution which the State shall form shall not be repugnant to the Constitution of the United States and that it shall be republican in form. That is the guarantee which we make; and when the State constitution comes here we determine whether it is republican in form and then exercise our powers under the Constitution of the United States to require that it shall be made so or the State kept out, provided it is not in such form.

As to the criticism the Senator makes in reference to "Indians not taxed," he will find in that portion of the Constitution of the United States adopted by George Washington and others, after the labors of the months of which he speaks, that language. It is a part of the Constitution which I have no doubt he very fully reveres. In article 1, section 2, of the original Constitution, before any amendments were made thereto, it is provided that "Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers," &c., "and excluding Indians not taxed." And in another part of the Constitution which I commend to the attention and affectionate regard of my friend from Maryland, in the fourteenth amendment, as "the second sober thought" of the people of the United States, adopted and ratified and now a part of the Constitution of the United States binding upon the Senator and myself and all the people within these broad realms, it is also provided that "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed;" so that this exclusion is not strange or unusual.

Now, that the constitution formed by the State should be in accordance with the principles of the Declaration of Independence is certainly right, and in these times most especially should be kept in mind. The principle of the Declaration of Independence was that

governments are formed by the consent of the governed, and recognize certain unalienable rights, among which are life, liberty, and the pursuit of happiness. I am not sure that we in all parts of this country keep sufficiently near to the principles of the Declaration of Independence. I am not sure that there is not a spirit abroad in the land in opposition to these very principles of the Declaration of Independence. And I am glad for one to have them here repeated, enforced, and enjoined on the people of Colorado, as I trust they will be upon every State which may hereafter be admitted into the Union. But to show my friend that his criticism is novel, at any rate that if it ever was made before Congress has disregarded it; to show that there is nothing in this section which heretofore has not been sanctioned by precedent, I call attention to volume 13 of the Statutes at Large, page 48, section 4, which provides, with reference to a State then to be admitted into the Union—

That the members of the convention thus elected shall meet at the capital of said Territory on the first Monday in July next, and after organization shall declare, on behalf of the people of said Territory, that they adopt the Constitution of the United States;—

And certainly each State of the Union should adopt the Constitution of the United States—

whereupon the said convention shall be, and it is hereby, authorized to form a constitution and State government: *Provided*, That the constitution when formed shall be republican and not repugnant to the Constitution of the United States and the principles of the Declaration of Independence: *And provided further*, That said constitution shall provide, by an article forever irrevocable, without the consent of the Congress of the United States—

First. That slavery and involuntary servitude shall forever be prohibited in said State—

Now an unnecessary provision, because an amendment to the Constitution of the United States provides that there shall be neither slavery nor involuntary servitude in any State of the Union.

Mr. BOGY. What Territory is that?

Mr. SARGENT. The Territory of Nebraska.

Mr. BOGY. What year?

Mr. SARGEANT. Eighteen hundred and sixty-four. Growing out of the exigencies of the time, growing out of the startling doctrines which were maintained not only in the Halls of Congress and by a certain political party, but upon the battle-field, that the principles of the Declaration of Independence had no existence or that they were mere "glittering generalities" having no force, it was then deemed necessary to enjoin on a State that a government organized in it should be in consonance with the principles of the Declaration of Independence, which declares liberty, as a birth-right inalienable, to every person within its borders. Then it goes on with the other provisions mentioned in this section, every one of them enforced by this precedent; and I say that that is the spirit of the legislation of Congress heretofore, born of a public necessity—a necessity which has certainly not ceased at the present day; and the precedent is well followed in this bill. Now, in order that we may have a record upon this matter, I ask for the yeas and nays upon the amendment of the Senator from Maryland.

Mr. HAMILTON, of Maryland. One word in reply to the honorable Senator from California. I felt satisfied that outside of the reconstruction measures which were imposed upon the States lately in rebellion the Senator could find no enabling act like this one save that of Nebraska, and I appeal to my honorable friend whether that act for Nebraska is authority for anything?

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

Mr. HAMILTON, of Maryland. Yes, sir.

Mr. MORTON. I had supposed that the Senator from Maryland had some foundation for his amendment; but I discover that the constitution of Maryland in the bill of rights formally adopts the Constitution of the United States. The framers of that instrument evidently rested under the impression that unless they did so it would not be binding. The Senator will see it in the second section of the bill of rights.

The Constitution of the United States and all laws made or which shall be made in pursuance thereof and all treaties made or which shall be made under the authority of the United States are and shall be the supreme law of this State, and the judges of the State and all the people of the State are and shall be bound thereby, anything in the constitution or laws of this State to the contrary notwithstanding.

The constitutional convention of Maryland——

Mr. HAMILTON, of Maryland. That was the constitutional convention of 1864.

Mr. MORTON. Eighteen hundred and sixty-seven.

Mr. HAMILTON, of Maryland. They did not adopt the Constitution of the United States.

Mr. MORTON. Yes; formally.

Mr. HAMILTON, of Maryland. No; they just acknowleded the sentiment that it is the supreme law of the land, which is the fact, and nobody questions that.

But we have been talking about this territorial organization of Nebraska all day, and there has not been a single error in this bill that that enabling act of Nebraska has not been referred to in order to approve it. It was announced by my friend [Mr. SARGENT] on one occasion when it was referred to that it was an exceptional act. This enabling statute for Nebraska was used for illustration, being different from all others, to take money out of the Treasury that had been put there from the sale of public lands; and there were other things connected with it; but whenever an appeal was made on this occasion to precedents, that was the only one that could be appealed to, and yet it was cited as an exceptional act that passed without consideration. That enabling act was passed in 1864. The Constitution of the United States and the Declaration of Independence were in vogue just at that time as being necessary to be impressed on everybody. There were apprehensions then that the people of Nebraska knew nothing about either, and that it was important for Congress to impress upon them the necessity of observing both. So far from being an example by which we should be governed, it should be positively the reverse; we should go back to what is really substantial, rational, reasonable, and just.

But the enabling act of Nebraska, if the honorable Senator from California will observe, does not contain the important words which I will read. Since 1864 there has been additional light thrown upon this body. That enabling act does not contain these important words: "And make no distinction in civil or political rights on account of race or color, except Indians not taxed." That clause is omitted in the Nebraska act, and we are supplying it now. It referred generally to the Constitution of the United States and to the Declaration of Independence to be pressed upon that people; they were to conform to both in the establishment of their organic law; but this was omitted. We are traveling along. While it may not be binding upon future generations, and they may change their constitution ultimately and reject all of it if they choose, yet you provide that the acting governor of this Territory may not proclaim the constitution adopted by its people unless there are incorporated in it the provisions of this bill as that constitution of that State. He has the right to proclaim it or not when the vote of the people shall be taken upon it; and unless it conforms to this bill it may be that he will not declare it the constitution of the State; and because of that very reason it will be incorporated and put upon that people, though it may be against their will, with the same degree of moral or political force that you forced on the people of the Southern States amendments to the Constitution of the United States.

I am opposed to the whole of it. The people upon these great questions ought to be left entirely to themselves. When we possess constitutional power, we should exert it here that it should pervade the whole land and apply to every citizen without regard to State or Territory. To undertake to force upon one Territory or State local legislation that you have not forced upon any other State in the Union is something that I upon this floor will always oppose. If you possess the power to pass a code of laws like this, as you have endeavored to do for the last five or six years, pass it and make it apply to all places, to all States, and to all localities; but let this people come into the Union free and disembarrassed to form their own constitution and be as equal as we all were when we organized this Government.

Mr. MERRIMON. For one I am very thankful to the honorable Senator from Maryland for raising the point which he has raised on this occasion. I do not concur with him, however, in objecting to those terms of the section which embraces the Constitution and the Declaration of Independence. They are merely surplusage and they do no harm; but there is a provision which in my judgment is material and is calculated to do a great deal of harm, and in order to obviate that I move this amendment to the amendment: Strike out after the word "and," in the thirteenth line of section 4, to the word "taxed," in line 14; and I ask the Clerk to read that proviso as it would stand if amended by my proposed amendment.

The PRESIDING OFFICER. The Secretary will report the proviso as proposed to be amended by the Senator from North Carolina.

The SECRETARY. The words proposed to be stricken out by the Senator from North Carolina are—

And make no distinction in civil or political rights on account of race or color, except Indians not taxed.

So as to make the proviso read:

Provided, That the constitution shall be republican in form and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

Mr. HAMILTON, of Maryland. I accept that amendment.

Mr. SARGENT. The Senator from Maryland says that this provision requiring that the new State's constitution shall make no distinction in civil or political rights on account of race or color is now for the first time raised in reference to any new State. That is very true. The fourteenth amendment was finally ratified in 1868, four years after the law passed for the admission of Nebraska. There was no provision in the Constitution of the United States at that time guaranteeing these equal civil and political rights, and consequently Congress had no right to require that a new State coming into the Union should provide against discriminations in this manner. After that act was passed, in 1868 the fourteenth amendment was ratified, and consequently Congress now has a right, and it is its duty, to insist that a constitution shall be thoroughly republican in form; that is to say, it shall see that there are none of these discriminations which shall "deprive any person of life, liberty, or property without due process of law," or "deny to any person within its jurisdiction the equal protection of the laws."

That is the reason why on account of an enlargement of the horizon, because the Constitution is more effective than it was in those days upon these very matters, because Congress and the people and the requisite number of States by their solemn judgment have determined that these discriminations shall not exist, now more than ten

years after 1864 and six years after the adoption of this fourteenth amendment to the Constitution of the United States, it is brought forward.

But the Senator says—I make but a remark upon that—that the case of Nebraska was exceptional. The State of Nevada which was brought in at that time was not exceptional. The act for that State contains the same provision which I have read, requiring them to adopt the Constitution of the United States, and that the constitution formed should be republican and not repugnant to the instrument and be in accordance with the principles of the Declaration of Independence. I have not looked through or I dare say I might find some precedents in the organic acts antedating the war, but I am not sure of that. I know that public attention, by reason of the war, by reason of the great uprising North and South, has been called to this question and to the necessity for the amendments to the Constitution, and consequently the amendments have been made and the legislation of Congress must follow the amendments; and no matter what temporary successes may be gained by any party in such a struggle, it is as vain to struggle against them as it would be to stem the current of the falling torrent of Niagara. A man would be overwhelmed; and any party that stands up against the spirit of the age must be overwhelmed. Of this I assure my friend. This torrent of events will overwhelm him and all others who insist that discriminations shall be made on account of race or color, or that there shall be a denial of civil or political rights to citizens of the United States.

Mr. HAMILTON, of Maryland. "Persons."

Mr. SARGENT. "All citizens," says the Constitution. I stand by the Constitution, and I only ask my friend to emulate me in that pious duty which we have both sworn to fulfill, and I dare say the Senator does support it as he understands it.

Mr. HAMILTON, of Maryland. "And make no distinction in civil or political rights on account of race or color, except Indians not taxed." Does that embrace the Chinese, I ask my friend?

Mr. SARGENT. Chinese are not citizens of the United States.

Mr. HAMILTON, of Maryland. They are persons.

Mr. SARGENT. They are not within the purview of the Constitution. The Constitution deals with citizens of the United States.

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

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

Mr. BAYARD. Mr. President——

Mr. WRIGHT. I understand the Chair to say that the yeas and nays had been called for. Have they been ordered?

The PRESIDING OFFICER. They have not been ordered. They have been called for, but a Senator rose to address the Chair.

Mr. BAYARD. Mr. President——

The PRESIDING OFFICER. As the yeas and nays have been called for, the Chair will state the question. The Senator from Maryland proposes to strike out the proviso from line 12, including the word "provided," down to the word "Independence" in line 16. The Senator from North Carolina moves a modification of the motion made by the Senator from Maryland, which he accepted, so that the proposition of the Senator from Maryland as modified is now to strike out all the words except those excepted by the modification of the Senator from North Carolina.

Mr. MERRIMON. My amendment simply proposes to strike out these words:

> And make no distinction in civil or political rights on account of race or color, except Indians not taxed.

The PRESIDING OFFICER. The Chair is aware of that, and the Senator from Maryland accepted that as a modification of his motion striking out all the words; and having accepted the modification to strike out a portion, his motion does not include all now, because he has accepted the motion of the Senator from North Carolina. The Senator from Maryland cannot accept in behalf of the Senate, but he has so far modified his motion as to allow the words not proposed by the Senator from North Carolina to be stricken out to remain as part of the bill.

Mr. BAYARD. Mr. President, I had no design to take part in this debate, and only rise now because questions have been mooted and appear to be embraced by the language of this bill which ought not to be passed by without some consideration.

The Constitution of the United States, after providing for the manner of the adhesion of the original States to the Union and for its ratification by nine States in order to become a government for those nine, also gave power in the third section of the fourth article to admit new States, and provided that—

> New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

There is all that is provided of power and incidental duty in respect of the admission of new States into the Union. It is coupled with the power of control over "the territory or other property belonging to the United States," making a distinction between the powers delegated to Congress over the Territories before they are incorporated as States into the Union and the powers which it has over those Territories when they have been enabled to become States and members of the Union.

Upon the next page we find that which is the full solution and true answer to all the questions touched in this debate, and which are in any way affected by the language of this section of the present bill:

> This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

When, therefore, a State is admitted by the Congress under enabling law, with a due sense of its fitness as to the population within its ascertained and circumscribed boundaries, to become a member of the Union, what is the result? A new government, a new State government, paramount to which is the Constitution of the United States and all laws of the United States made in pursuance of it, and all treaties made, and all laws of the United States which shall thereafter be made in such pursuance, or all treaties which shall be made thereafter, at once and *proprio vigore*, without "adoption," as this act requires by the people of the Territory, but by their own force, extend instantly, as they did during the territorial condition of its government, over that State, its constitution, its laws, and its people.

But, Mr. President, it seems to me that one dangerous feature of to-day—a proposition which is advanced as yet covertly and with hesitation, but which is nevertheless tentatively advanced—is that not simply the constitutional guarantee of a republican form of government to each State shall be executed by Congress, but that there exists the power in Congress in the enabling act of admission to fix immutable conditions in a State constitution which no subsequent experience, no subsequent suffering, no subsequent sense of unfitness shall permit the people of any future generation to amend or ameliorate or abolish.

Why, sir, how absurd and inconsistent is this new-fangled, utterly unauthorized theory of attaching not simply the Federal Constitution and all proceedings under its authority by way of law or treaty as the measure of a State's power and duty under a republican form of government, but to add as an inviolable condition conformity to the principles of a document which every American glorifies, but which he and all men recognize as the great manifesto of revolution—I mean the Declaration of Independence of the American Colonies from the rule of Great Britain. There are many things in the Constitution of the United States which are inconsistent with the Declaration of Independence. If there were time, it would be an easy task to demonstrate this to the satisfaction of every one. The one is a revolutionary manifesto founded upon abstract natural human rights; the other is a government of laws filled with checks and balances established to restrain power within its proper limits. The one was a justification, by natural reason and morals, of the overthrow and destruction of a bad government by its own unhappy citizens; the other was a compilation of rules and principles whereupon to build up a just and permanent government. The first was intended to pull down *the wrong*; the other to erect and maintain in unassailable stability *the right*.

The first establishes the right and duty of revolution, and the other seeks to make revolution unnecessary and unjustifiable by providing other and legitimate avenues of relief from evil rulers. Suppose a conflict between some feature of the Declaration of Independence and the Constitution and laws of the United States, which of the two instruments are Senators to obey, which are citizens to obey? What is our Government? Is it this Constitution that we have sworn to support, laid down with all its well-defined, carefully-weighed, thoroughly-understood lines of demarkation between rightful power and natural right? Is not that our Government? What was our oath? A plain and simple adjuration to support this written charter of our country's Government in whole and in part, without reservation. What becomes then of this absurd, senseless, utterly inconsistent provision that you now seek to affix upon this inchoate State, when you say that it shall frame a constitution for its government which shall strictly conform to two things inconsistent with each other?

Mr. President, it is perfectly plain to me that we have but two governments within our Union. We have the Government of the United States, paramount in its sphere; we have the State governments, which are the foundation-stones upon which the superstructure of our Federal Government rests. We have no such thing in this Union as a government half State and half Federal. You have no such constitutional abortion, and you cannot create it, as an imperfect State in the Union. The States in the Union are equal members of the Union. You cannot create under your Constitution unequal laws for the different States. They must stand or fall, as to their powers and their rights, by the same law which is prescribed in the Constitution itself. You cannot make a law giving you the authority to invade one member that shall not give you the same authority to invade another. If there be any law delegating a discretionary power of invasion of a State under the pretense of examining for a republican form of government, to overthrow any feature of a State government which is distasteful to the temporary majority of Congress aided by the Executive, that same law must be recognized as well for thirty-seven States as for one; as well for Massachusetts as it is for this new State of Colorado, recognized as fully for New York as it is for the small community which I in part represent upon this

floor. There can be no such thing in this Union as an imperfect State. It is unknown to our Federal system. There is not machinery to govern it. It would bring your judicial decisions to mockery and contempt and confusion to attempt to apply principles of constitutional government different in one State from what they are in another. If, however, such claim of power is intended to be made, then let us have the intent marked by open action. If you do intend to have a grade of subject States, if you do intend to have one or more of the States subject to the law of Congress and other States not so subject, let it be known to the country, and if there be popular opinion to sustain you, your form of government will be changed. Your wishes may be carried out but we insist that you ought at least to make your designs known openly upon this subject that we may all appeal frankly to that tribunal of public opinion which, after all, will mold our laws and must mold our destiny as a nation.

What is there in the very loose, vague, useless language of this section—I mean useless for any purpose of securing more effectually to any human being in Colorado every constitutional right that is secured by the Constitution to that same person if living in Massachusetts or New York? The Constitution of the United States and the laws made in pursuance thereof are the supreme law of the land, and although it may be quite superfluous to say so, I have no objection to repeating the truism in every enabling act for the admission of a State and compelling her constitution to contain it; for I scarcely think we can too often hold up the sacredness of law as the only proper government of this country. But when it comes to doing more and picking especial features out of the Constitution, which we all know are there, the authority of which we all recognize, the authority of which no man dreams of disputing, why do you select some and leave out others just as essential and even more so? Why do you select in your enabling act certain provisions of the Constitution and not select others? When you say "the Constitution," do you not mean the entire Constitution? When you say "the Constitution," do you not mean the laws passed in pursuance thereof? You might as well take sections of laws passed at any period of the country's history and say that these States should adopt them as permanent, immutable conditions of their State systems before they can be admitted as States in the Union.

Mr. President, it seems very strange to find that those who prescribe for others so glibly conformity to "the principles of the Declaration of Independence" should show themselves so unmindful of them as to seek to place in the government of any community an immutable provision which should be the law, come what would, let whatever light of experience be thrown upon it. That instrument declares:

> That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these, are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, *as to them* shall seem most likely to effect *their* safety and happiness.

"To them seem;" to the generation to be affected by the form and by the laws. The government being instituted for human happiness, those who live under it were held to be the only judges whether that happiness was attained, and then follows the grand proclamation of revolutionary right against discomfort and oppression:

> Prudence, indeed, will dictate that governments long established, should not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.

Sir, I am glad, in the midst of discussion and events so fresh and painfully present in our minds, to read and recur to these proclamations of our liberty-loving ancestors.

Their revival and application are sorely needed to-day and in this country.

The great principle of the Declaration of Independence is the right to self-relief from suffering when that suffering comes to a people under an unjust, undesired form of government, simply leaving their own judgments, their own sense of the necessity of the occasion, the high "prudence" which is here submitted as the simple test how far endurance shall be wise and how far long suffering shall be borne. Now, sir, what a strange medley it is to find a proposed fundamental law for a State binding a State at one moment to espouse the principles of revolution when it may be demanded for the happiness of its people, and in the next chaining them fast to the dead body of an effete institution or one that may be injurious and which they are never to part from. Why, Mr. President, the people who formed our Constitution did not suppose that all wisdom began or ended with them and their generation. They believed there was a progress and expansion in human knowledge if not in human capacity. They did not believe their Government, as framed by their hands, was perfect. This Constitution, which we have sworn to support, contains abundant provisions for its own well-considered, deliberate amendment. And shall we not leave open to our posterity the right to change when change shall be shown to be expedient and wise and beneficial? And shall we undertake to say that, like the Medes and Persians, the people of this new State shall be forever chained to one immutable charter of government? Why, Mr. President, the principle is utterly false; it is anti-republican; it is against the principles of the Declaration of Independence. It is an abolition of the very theory that lies at the base of our republican system. What is the base of our republican system? What is the theory of the difference between the republic and the monarchy? It is simply that the majority have the power, and the supreme power lies ultimately with them; but for the protection of the minority that power is put in the trammels and harness of the law. Constitutions are framed in times of deliberation, that the safeguards of liberty may not be swept away by unchecked power in times of passion. But those constitutions are made sufficiently elastic that they may be changed when experience shall dictate that change should come. But here we, living under a Constitution that is our supreme law, that is the supreme law of the State or the people that come within our jurisdiction, are undertaking to violate those principles in dealing without authority with a people who will be, as we say of individuals, *sui juris*, capable of governing themselves under the same limitations that we in the other States govern ourselves.

Mr. President, I do not propose to use any language in a law that I vote for in any but the fullest good faith; and when I ask the people of this Territory (which however I think unnecessary) that they shall "adopt the Constitution of the United States," I simply mean that, and only that. I think the Constitution, of its own force, will instantly and fully exert its authority over every man, official or non-official, who lives within the territory of the United States or of any State in the Union, and no such recital is necessary to aid it. A State cannot be in the Union unless it is under and subject to the Constitution. But I can trace in these selected provisions of the Constitution a desire on the part of Congress to follow the Territory out of its condition of legislative pupilage to the Federal Congress which the Constitution has assigned for it, beyond that condition, and while calling it an independent State to place upon it some congressional collar which shall be worn for all time as its badge of servitude to the majority that placed it there. Sir, to that doctrine I never will assent so long as my views of constitutional duty remain what they now are.

I do not know that any man supposes that he can gain aught by the argument that because we object that certain provisions of the Constitution of the United States shall be selected in preference to any other provisions, as if to make obedience to them more emphatic on the part of the incoming State—to argue there can be any hostility on the part of those who object to such legislation to the Constitution as it is. I prefer that my obedience to the Constitution and the laws be proved much more by what I do than by cheap professions.

If there is power in Congress to impose these conditions and make them permanent upon the State, I would thank some Senator who believes that the necessarily correlative power exists to maintain them in case the State acting as a State should see fit to eliminate them from her constitution, to tell me where his power is found for that; where the Congress of the United States or all the branches of the Government of the United States can find any shadow of power to interfere with the internal government of the State so long as a republican form of government is there maintained and they are not invited there in accordance with constitutional requirements by reason of invasion or domestic violence.

This claim of power has been made, as I said, rather suggestively; it is not made by many; but events transpiring at the present time show that it is made tentatively. The public pulse is being cautiously felt to see how far this claim can be advanced, and how far public acceptance will follow; and I for one would like to make the issue just at the first possible moment. I want to know my fate, and I want to know the issue to be raised; and I shall not hesitate which side to take; nor can I doubt the result when the issue is once fairly comprehended by the people of the United States.

Why, Mr. President, confess this power of Congress to place fetters upon a State so as to prevent any change of her internal institutions and local government in a manner consistent with the conscience, the happiness, the welfare of her people by and through her people alone; admit the power of Congress to do this thing, and what is the use of talking of a federal union of free States? You have a consolidation in its very worst form, because you will have an unlimited power existing in the caprice and will of the accidental majorities in this body and the executive branch of the Government. Admit this doctrine, and that local self-government, which is the school of our people to be republican citizens, is stricken down at once. There is nothing left of this Government worth maintaining if such a doctrine is to be admitted. And yet if the provisions in this section have any effect, they mean that or they mean nothing. I have shown them to be utterly inconsistent with themselves. I have shown that they call upon a people in the same breath to obey a well-defined written charter of limited government, and at the same time to give their unqualified adhesion to a revolutionary manifesto. No, Mr. President, there is no such power. There was no such power given or intended to be given, and none such can be proven, as I say here in the presence of Senators well able to prove it if it exists. They can show and they will show no provision of the Constitution which gives Congress the power to impress any feature upon the constitution of a State that shall forbid that State to modify or abolish it in accordance with the wish of its people in any subsequent generation. When a State shall have become a member of this Union it stands on an equal footing with every other member.

One cannot be stricken down by any rule or through any claim of power that shall not be equally applicable and fatal to every other State. And if Senators shall not see the danger of the violation of so clear a principle of our Government, then history will have been false and her lessons unreliable if the day shall not come, and come speedily, when their own instructions will return to plague the inventors, and they will drink in bitterness from the very chalice that they have pressed to the lips of others unable now to resist them.

Mr. President, it is never wise to pass laws which are invalid and which must be mere dead letters. A law that is a dead letter, a law that cannot be executed, is a reproach to the legislature that passes it and tends to bring other laws into contempt. If I were asked today what I believed was the chief danger of the people of the United States, I should say the decay of respect for the laws of the land. It is the disregard of law, it is the disrespect for law that is the fruitful source of most of our unhappiness. I could illustrate it in a thousand ways ; did time permit I could turn to almost every Department of the Government, I could go into the highways, into all the avenues of society, and there show you that as a rule a want of respect for the law of the land is an American fault, and a fault that I am afraid is undermining the security of the Government of this country. It matters not whether this disrespect is for the Constitution that is our fundamental law, or for the laws passed in pursuance of it, or whether it be a disrespect for the constitutions of the States and the laws passed in pursuance of those constitutions ; but disrespect for the established rule, disrespect for the spirit of government which is represented by law is in my opinion one of the great dangers of the day, and one that my fellow-countrymen do not seem to me fully to appreciate. The lesson is needed as much by our rulers as by the people; indeed the latter are mere followers of the example. Therefore, sir, I would never willingly assist in placing upon the statute-book any law that could not command their respect and their obedience. If it be an invalid law, it will do neither. It will simply, as I said, draw reproach upon those who legislated for it. It will simply produce contempt for the law itself. No, sir. Let us confine ourselves in our legislation strictly within the limits of those powers granted us, and then insist at all times, in the face of all persuasions of party advantage or the contrary, that those laws here made shall be obeyed and shall be the law for all men, and this whether we are framing laws to admit new States or whether we are framing laws for governing all the States within the limitations of power confided to us.

For this reason I have said as much and as unpremeditatedly as I have in regard to this very important question. I am very clear that the Constitution of the United States of its own force would extend itself over the people of this Territory and of this incoming State without our saying anything about it in the law. But if it be deemed necessary to recite the fact that they are to be governed by the Constitution and laws of the United States—merely repeating a truism —let that be done; to that I have no objection; but do not, I beg of you, couple with that an utterly inconsistent demand upon them that they shall obey the law and a revolutionary manifesto at the same time. It is insensible and unreasonable; it is neither legal nor wise, if there can be any difference between the two.

Therefore I hope this section will be amended. It is not that I refuse in the least to acknowledge the force of every constitutional law and of every amendment to the Constitution. That is not my object at all. I simply object to inconsistently coupling them in this incongruous connection, the Constitution with the Declaration of Independence, and attempting to fasten certain conditions upon the future generations of this incoming State under the implication that the people of that State shall not at their own will and pleasure modify and change their State constitution as their own happiness instructs them. It must be in harmony with the Constitution and laws of the United States, or else would be absolutely invalid and of no authority. Nothing of the kind can or should be presumed.

I hold that the people of the new State of Colorado, after they have been admitted to the Union by complying with the conditions of this act, will then be here as an equal member of this Union of States, and that any measure of relief demanded by their people which involves any change in their organic law, can be made just as lawfully and free from interference by the Government of the United States as would the ancient Commonwealth which you, sir, so long represented on this floor. If any claim to the contrary is made, let us know it now, because it will be established at the cost of a revolution in our form of government; and if it is sought to be accomplished, the people ought to know it, and if it be their will, there is nothing else than submission left.

But, sir, I object and protest against such changes being wrought in this indirect and unfair manner, by claiming power wrongfully one day and making that a precedent for some fresh act thereafter.

It is for that reason that I have thought it my duty to say thus much on the subject.

Mr. MERRIMON. Mr. President, in my judgment an enabling act like this purports to be ought to be a very brief and a very simple one. It ought simply to provide that the people of the Territory may call a convention and frame a constitution republican in form for the purpose of organizing a State government and making application to Congress to be admitted under that constitution as a member of the Union. All these provisions imposing restrictions on the people of Colorado, other than the single restriction as to a republican form of government, it seems to me are out of place and are not contemplated by the Constitution of the United States.

But I do not propose to discuss that feature of the bill now before the Senate. I wish to direct attention to another matter of graver moment than that.

By the Constitution "new States may be admitted by the Congress into this Union;" and by the uniform practice of the Government, from the earliest period of its existence until now, every new State, when it is admitted as a member of the Union, comes in upon terms of equal footing with every other State; and Congress, unless it shall violate the spirit of the Constitution, unless it shall repudiate the practice of the American people from the beginning of their Government down to now, cannot do otherwise than admit the State of Colorado upon a like footing with the other States. It is sought, however, by this bill to do otherwise. Under the Constitution of the United States, by its express words and as well by its force and effect, the several States of the Union have power in the exercise of their police powers to make wide and important distinctions in the enjoyment of civil rights to which the people are entitled. For example, in the Southern States we have two races entirely distinct from each other; we have the African race and the white race. These are the prevailing races. Those States have power in the exercise of their police power to provide that the African race shall be educated in one class of schools, while the white race shall be educated in another class of schools. In the exercise of this power they may provide that the white race and the black race shall not intermarry. They have the power to provide that the two races in their attendance upon theaters and other public places shall occupy apartments separate from each other. The State of California, and the State of Oregon, and the State of Nevada, and the States of the far West, may exercise like powers in reference to the Mongolian and other races. They may provide discrimination in the exercise of civil, and, I may add, of political rights, with a view to the proper enjoyment by all the people of sound morals and good and wise government.

I know that it is contended by some persons that under the Constitution the several States cannot exercise such power. Suppose I should admit that for argument's sake, if that is true; then the clause which I propose to strike out is altogether immaterial—nugatory—for the Constitution of the United States is the supreme law of the land, and no State can pass any law impairing its obligation. If the Constitution of the United States forbids the States to exercise power to make such discriminations, why provide in the constitution of Colorado against the exercise of such power?

If by the Constitution no distinctions can be made in the matter of civil or political rights, why incorporate it in this act, or why incorporate it in the constitution of Colorado which it is proposed to make? If the Constitution has the force and effect contended for by the Senators here, this provision in this act, and when placed in the constitution of Colorado, will be entirely inoperative. It can have no force and effect practically, because the Constitution will operate upon the people of Colorado just as it operates on the people of Maryland or any other State, and no such distinction can be made.

But the truth is the Constitution does not have any such effect upon the rights and powers of the States. It has been so decided by the highest judicial tribunal in this country and by many State courts.

If I am correct in this, if such is the fact, then why undertake to force upon the people of Colorado a provision which is not to operate upon other States of the Union? Why undertake to force the people of Colorado to incorporate into their constitution an organic provison which, if the time shall come when it will be necessary to do so, shall prevent a distinction between the white race and the Mongolian race or any other race different from the white race, not for the purpose of depriving any race or class of people of any rights to which they are entitled, but for the purpose of preserving the morals of the country or promoting the interests of society in other respects? Why undertake to dwarf the proposed State of Colorado?

I say therefore that this distinction ought to be stricken out. If it can have any effect at all, it only will have such effect by incorporating it in the constitution of Colorado to dwarf that State, to deprive it of a power which belongs to every State other than this. My opinion is, as a matter of law, it would be inoperative, but it is manifest it is intended to operate. It would be a reflection upon the decency of the Senate to say that it would incorporate words that can have no operative effect. If these words are to have operative effect, they will dwarf the State of Colorado. They are intended to compel a State to come into the Union as a member of the Union on terms unequal with the other States; and therefore the clause ought to be stricken out. I cannot, will not vote to impose such restrictions. The State, when it comes, must come or ought to come in on an equal footing with any other State. This is the true doctrine.

The VICE-PRESIDENT. The question is upon the amendment of the Senator from Maryland, [Mr. HAMILTON,] upon which the yeas and nays have been called for.

The yeas and nays were ordered.

Mr. BOGY. As it is my wish to vote for the admission of this Territory, I am very anxious that anything in the bill which does not meet my approbation should be stricken out. As a matter of information I refer to the act of Congress authorizing the people of Missouri to form a State constitution and to be admitted as one of the States of the Union. In that act of Congress, which was passed in

1820, four conditions were imposed. The conditions were not to be part of the constitution of the new State, but they were to be accepted or rejected by the convention which was to form the constitution of the new State. In the bill before us an effort is made to dictate to the new State certain conditions, certain provisions, which are to form a part of its constitution. If we impose upon a new State applying for admission any conditions, those conditions can never be altered. They must remain as a part of the State constitution forever afterward. We have no right to impose these conditions upon a State. If we have the right, they certainly have not the right to alter those conditions. They must remain a part of the State constitution for all time to come. Such has not been the practice in the admission of new States heretofore, excepting in the cases of Nebraska and Nevada in the year 1864. There is a good reason why conditions at that time were imposed upon those new States. It was during a time of war, when war existed in the country, brought about by a number of States attempting to secede from the Union, and of course disregarding the Constitution of the United States, going beyond the Constitution, going out of the Government. Therefore there was a reason at that time to impose upon those States conditions which would prevent in the future any such effort. However wrong that was at that day, it was the birth of the occasion, brought about by the excitement of that period, fundamentally wrong then as it is now.

I hold that this new State, if it be made a State, can never, after the constitution is formed, change its constitution. If it can change its constitution, we have no right to impose any terms; and, in point of fact, why impose these conditions? The Constitution of the United States is the supreme law of the land over all the States, the new States as well as the old States. The great principles of the Declaration of Independence, which are not to be enforced as practical legislation, will be observed there as great principles affecting the rights of man in opposition to the rights of government. The principles embodied in the Declaration of Independence are of a revolutionary charater. They are not laws; they are great fundamental principles which exist in the breasts of men who love liberty and are willing to sacrifice life and property to maintain that liberty. If we have a right to impose one condition we have a right to impose another, and if that right goes on it will lead to a perfect consolidation of all the States.

Again, the States must all be of equal dignity. This new State of Colorado cannot have less rights than the ancient State of New York, or of Delaware, or of Pennsylvania, or any one of the old thirteen States. She must come in with the same rights, without any limitation, having the same fundamental right to alter and change her constitution whenever a majority of her people may think proper to do so. But a spirit is abroad, a spirit is entertained by a certain party in this country and in this Chamber, that it is not competent for the States to change their constitutions. The Executive in a message sent to us a few days ago intimates very broadly that the reconstructed States, so called, have not the right to change their constitutions; that their constitutions were a part of the contract under which they were readmitted. Can that be true? Can that be correct? Have they lost any of their rights since they have again become members of the Union? Have not the people of Alabama the same right to change and alter their constitution that the people of New York have? Conditions were imposed, and whether right or wrong at the time, it was the exercise of a great power and they had to submit to those conditions; but after the admission of those States they have the same right again to change and alter their constitutions that they had before. Take my own State. Missouri is not exactly a reconstructed State nor was it a State in rebellion, notwithstanding we changed our constitution during the war. The party then in the ascendency changed it entirely and made a constitution which does not meet the approbation of the people now, and a convention in my State will be held in a very few weeks for the purpose of making a new constitution and changing entirely the constitution which was formed in 1863 or 1864. Is it not competent for us to do this? If it be competent for any of the old States to change their constitutions, it will be competent for any of these new States when they come into the Union to change their constitutions.

The views which I am expressing now have been so well and so ably presented by the Senator from Delaware [Mr. BAYARD] that it appears to be a waste of time for me to dwell upon the same subject. To my mind he has exhausted it. I repeat that I am anxious to vote for the admission of Colorado and for the admission of New Mexico, yet I do not think I can do so if this provision is retained in the bill, not that I object to any provision declaring that the Constitution shall be the supreme law of the land. It is the supreme law of the land. There is no question about that. I object to nothing the omission of which would have the slightest tendency to weaken this Government, to weaken the ligaments which bind the States to the Federal Government; nor am I disposed to do anything which will destroy the character of the States and make them mere dependents upon the will and caprice of the Federal Government. The original intention I want to carry out, a confederacy of sovereign States, and yet the Constitution of the United States and the laws made in pursuance thereof to be the supreme law of the land. Without that qualification I do not wish any State to be admitted. I therefore hope the amendment of the Senator from Maryland may be adopted. Otherwise, I do not see that I can vote for this bill.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Marylahd, [Mr. HAMILTON,] on which the yeas and nays have been ordered.

Mr. DENNIS. I am paired with the Senator from Minnesota, [Mr. RAMSEY.] If he were here he would vote "nay," and I would vote "yea."

Mr. NORWOOD. On this question I am paired with the Senator from South Carolina, [Mr. PATTERSON.] If he were here he would vote "nay," and I would vote "yea."

The question being taken by yeas and nays, resulted—yeas 18, nays 39; as follows:

YEAS—Messrs. Bogy Cooper, Davis, Eaton, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Kelly, Lewis, McCreery, Merrimon, Ransom, Saulsbury, Sprague, Stevenson, Stockton, and Tipton—18.

NAYS—Messrs. Alcorn, Allison, Anthony, Boreman, Boutwell, Cameron, Chandler, Clayton, Conkling, Conover, Cragin, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Hamilton of Texas, Hamlin, Hitchcock, Howe, Ingalls, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pease, Pratt, Robertson, Scott, Sherman, Spencer, Stewart, Washburn, West, Windom, and Wright—39.

ABSENT—Messrs. Bayard, Brownlow, Carpenter, Dennis, Fenton, Ferry of Connecticut, Harvey, Johnston, Jones, Norwood, Patterson, Ramsey, Sargent, Schurz, Thurman, and Wadleigh—16.

So the amendment was rejected.

Mr. TIPTON. In lines 7, 8, and 9 of section 4 I move to strike out the following words:

And, after organization, shall declare, on behalf of the people of said Territory, that they adopt the Constitution of the United States.

I was absent from the Senate unavoidably an hour or more, and am not aware, therefore, whether any motion has been made upon that proposition or not.

Mr. HAMLIN. It has just been voted on.

Mr. LOGAN. We have just voted on it by yeas and nays.

Mr. TIPTON. I understand that vote was on the clause following the word "provided," "and make no distinction in civil or political rights on account of race or color," &c. This proposition of mine, then, has not been before the Senate.

Mr. President, this is one of those unheard-of things that occasionally find their way into our legislation. I understand the people of Colorado to be an intelligent people. I understand them to be a patriotic people. I understand them to be a people of ordinary comprehension certainly, and of common sense. They make an application for admission here, and they know that they are doing it under the Constitution of the United States. They know that a constitution which they present here must be in accordance with the spirit and the letter of the Constitution of the United States. They have never given you any evidence of disloyalty, yet you enact that before you will permit them to form a constitution, which they shall present here for your supervision, you will call upon them to make an expression of their loyalty to the Government of the United States, a Government for which they furnished means and sent forth their soldiers when there was a call made upon the Territories by the Government of the United States. But you do not ask the people of Colorado themselves; they might have the power to address you on this question; but you proceed upon the implication that if the people of Colorado shall elect men to represent them in a constitutional convention, they shall put themselves so far in the power of that delegation that it is competent, that it is constitutional, that it is right, that those representatives by a vote, before ever they can proceed to the work for which they have assembled, must solemnly declare on behalf of the people of the Territory that they do adopt the Constitution of the United States.

If it is necessary for any one to adopt the Constitution of the United States, can he do it by proxy in this manner? If it is necessary that a man shall swear allegiance to the Constitution of the United States, can he endow with the attributes of his sovereignty a neighbor, an agent, an attorney to take that oath for him and in his stead? No man believes that for a moment. Therefore I am utterly at a loss to know why such a proposition should have ever been placed in a bill admitting a Territory to the position of a State under the Constitution of the United States. I have heard no explanation of it, and I apprehend that there is no explanation to be made. Any pledge the delegates may make in regard to the people of Colorado will be absolutely null and void. They have not any power to make it, and you know that they have no power to make it. Every lawyer on the floor of the Senate knows that that legislative assembly can have no binding power whatever in this respect. They will come here to be admitted not on the pledge that their delegates in constitutional convention have made to the Government of the United States, but they will come here with a constitution which is to be measured by the Constitution of the United States. And yet you propose to march them through the magnificent farce of pledging themselves to the Constitution of the United States by men who were elected for the purpose of adopting a State constitution for a Territory.

There is nothing, therefore, in that proposition that ought to remain in the bill. I am in favor of the admission of the people of Colorado; but when I shall come to vote on the bill, whether that proposition is in it or out of it, I wish the people of Colorado to understand that so far as my vote is cast here I do not suppose it is competent to swear them to the Constitution of the United States by a set of del-

gates who will be elected clothed with no such power whatever. In regard to all the conditions-precedent that are specified in this same fourth section, no one of them can be binding unless it be incorporated in the constitution, and is constitutional outside of the pledge that these delegates may make in behalf of the people.

I wish to say, therefore, that if this proposition is not stricken out, when I vote for this bill I shall vote with a distinct understanding that that and all pertaining to it in the fourth section is a mere nullity.

Mr. MORRILL, of Vermont. Mr. President, I am very much astonished at the tenacity with which our democratic friends insist on striking out any compact, any condition, for the admission of States. All the doctors that we have heard talk on this subject so far claim that the moment a State gets into the Union it may rub out and do just what it pleases. If such is the character of the conditions that are annexed to the admission of Territories as States, I do not see why they should be at all particular what the conditions are in the acts for their admission.

Mr. SAULSBURY. I simply want to say one word. I can see no use whatever in incorporating this provision in the statute. It is true it does no harm, but this is a high legislative body, and I have not heard one single argument or reason why it should be incorporated or what possible good it could effect. And yet the Senate of the United States, perhaps as high a legislative body as there is in the world, actually would be incorporating that which by common consent is useless. Everybody knows that the Constitution of the United States is the supreme law of the land, and will operate as well in Colorado as in any other State of this Union. I ask what is the good sense of the Senate of the United States in the preparation of a statute incorporating in it that which is wholly useless and which adds nothing whatever to the validity of the statute.

My objection to this provision is not simply that it is here, but because it is perfectly useless, accomplishes no good, and, in my judgment, has not that care which ought to be exercised in the preparation of statutes by this high body. I shall vote to strike it out because it is surplusage and certainly of no earthly use by any possibility whatever.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Nebraska, [Mr. TIPTON.]

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

The yeas and nays were ordered.

Mr. MERRIMON. I ask that the amendment be reported; I have not heard it yet.

The SECRETARY. In section 4, beginning in line 7, it is proposed to strike out the following words?

And, after organization, shall declare, on behalf of the people of said Territory, that they adopt the Constitution of the United States.

The question being taken by yeas and nays, resulted—yeas 12, nays 36; as follows:

YEAS—Messrs. Bogy, Cooper, Davis, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Kelly, McCreery, Saulsbury, Stockton, and Tipton—12.

NAYS—Messrs. Alcorn, Allison, Anthony, Boreman, Boutwell, Cameron, Chandler, Clayton, Conkling, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Hamilton of Texas, Hamlin, Hitchcock, Howe, Ingalls, Jones, Logan, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Pease, Pratt, Robertson, Sargent, Scott, Sherman, Stewart, Washburn, West, and Windom—36.

ABSENT—Messrs. Bayard, Brownlow, Carpenter, Conover, Cragin, Dennis, Eaton, Fenton, Ferry of Connecticut, Gilbert, Harvey, Johnston, Lewis, Norwood, Oglesby, Patterson, Ramsey, Ransom, Schurz, Spencer, Sprague, Stevenson, Thurman, Wadleigh, and Wright—25.

So the amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

It was ordered that the amendments be engrossed and the bill be read a third time.

The bill was read the third time.

The VICE-PRESIDENT. The question is on the passage of the bill.

Mr. SPRAGUE. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. HAMILTON, of Maryland. I desire to ask one question of the Senator from Tennessee, [Mr. COOPER,] who is a member of the Committee on Territories, or the Senator from Nebraska, [Mr. HITCHCOCK.] What is the population of that Territory now?

Mr. HITCHCOCK. I have already stated that from the best information obtainable we believe the population to be at least one hundred and fifty thousand.

Mr. COOPER. In answer to the question of the Senator from Maryland I will state that the census of 1870 shows a population of thirty-nine thousand eight hundred, according to my recollection. In the committee I opposed the bill on the ground of want of population in the Territory, because we had no evidence, or not sufficient evidence, to show the increased population contended for by the Senator from Nebraska. If there was any such evidence, I am not aware of it.

The yeas and nays were taken on the passage of the bill.

Mr. COOPER. On this question I am paired with the Senator from Wisconsin, [Mr. CARPENTER.] If he were here he would vote "yea," and I should vote "nay."

Mr. DAVIS. On this question I am paired with the Senator from Missouri, [Mr. SCHURZ.] If present he would vote "yea," and I should vote "nay."

Mr. DENNIS. On this question I am paired with the Senator from Minnesota, [Mr. RAMSEY.] If he were here he would vote in the affirmative, and I should vote in the negative.

Mr. NORWOOD. On this question I am paired with the Senator from South Carolina, [Mr. PATTERSON.] If present he would vote "yea," and I should vote "nay."

The result was announced—yeas 42, nays 12; as follows:

YEAS—Messrs. Alcorn, Allison, Anthony, Bogy, Boutwell, Cameron, Chandler, Clayton, Conkling, Conover, Cragin, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Hamilton of Texas, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Jones, Kelly, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pease, Pratt, Robertson, Sargent, Sherman, Spencer, Stewart, Tipton, Washburn, West, Windom, and Wright—42.

NAYS—Messrs. Bayard, Eaton, Goldthwaite, Gordon, Hager, Hamilton of Maryland, McCreery, Ransom, Saulsbury, Sprague, Stevenson, and Stockton—12.

ABSENT—Messrs. Boreman, Brownlow, Carpenter, Cooper, Davis, Dennis, Fenton, Ferry of Connecticut, Gilbert, Johnston, Lewis, Merrimon, Norwood, Patterson, Ramsey, Schurz, Scott, Thurman, and Wadleigh—19.

So the bill was passed.

AMENDMENTS TO HOUSE BILLS.

Mr. CONOVER submitted an amendment intended to be proposed by him to the bill (H. R. No. 4740) 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.

Mr. ROBERTSON submitted an amendment intended to be proposed by him to the bill (H. R. No. 4734) to establish certain post-roads; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

CEMETERY AT YORK, PENNSYLVANIA.

Mr. HITCHCOCK. I move now that the Senate proceed to the consideration of the bill to enable the people of New Mexico to form a State government.

The motion was agreed to.

Mr. CAMERON. Now, Mr. President, I beg the Senator from Nebraska to allow me five minutes; I will not ask more. For three or four days you have laughed about a little proposition that I brought forward here. Now I want to have it seriously acted on.

Mr. HITCHCOCK. Some time ago I stated that I would consent to a motion for an executive session after the bill for the admission of New Mexico should be taken up. Unless that is now insisted upon I should like to make a motion that we take a recess until eight o'clock.

Mr. STEWART. It seems to me we can adopt the same amendments to this bill as to the other; make them identical, and pass this bill if there is a majority in favor of it.

Mr. CAMERON. I had the floor and did not give it up. I ask the Senate to take up the bill to place head-stones over one hundred and sixty buried soldiers in the town of York, Pennsylvania. The people of York during the four or five years of the war nursed and cared for all the sick that came there. One hundred and sixty were buried. They built a monument over their graves; they built an iron and stone fence around the ground; they built a house to accommodate the person who had charge of the cemetery; and they put wooden tablets at the heads of the graves. These tablets are decaying, and they ask the Government to recognize it as a national cemetery and to put proper memorials to mark the remains of these patriotic people. It will cost $1,600. The people of the town have spent more than $20,000. I should like to know if there is a man in the Senate who will deny to these good people this recognition of their great and honorable work? I ask the Senate to take up the bill and pass it without another word.

Mr. SHERMAN. I will not oppose the bill being taken up, but I shall feel it my duty to oppose it, and I will show to the Senate that the example thus set as a compliment to the Senator from Pennsylvania would not only be a very expensive compliment, but wrong in principle. I will not submit to the passage of a bill of this kind unless the facts be made known to the Senate.

Mr. CAMERON. I only ask the Senate to take it up, and the Senator from Ohio may take the responsibility of consuming time if he will.

Mr. HAMILTON, of Maryland. With the consent of the Senator from Nebraska, I move that the Senate proceed to the consideration of executive business.

Mr. CAMERON. I trust not. I have asked for five minutes.

The VICE-PRESIDENT. The question before the Senate is the bill for the admission of New Mexico.

Mr. HITCHCOCK. Of course the honorable Senator from Pennsylvania will not now press the motion after the announcement that his bill will lead to debate. I certainly, if his bill could be passed by unanimous consent, would not object to the New Mexico bill being laid aside informally; but as it is announced that the Senator from Ohio intends to debate and fight the bill, of course it cannot be interposed at the present time.

Mr. CAMERON. Well let him fight it. He will not make a long fight, I think. All I ask is an opportunity to let him do so and let us have a vote.

The VICE-PRESIDENT. The Senator from Pennsylvania asks unanimous consent to take up the bill indicated by him for consideration.

Mr. SHERMAN. I object for one.

The VICE-PRESIDENT. Objection is made. The Secretary will read the New Mexico bill, which is before the Senate.

EXECUTIVE SESSION.

Mr. CONKLING. What becomes of the motion for an executive session?

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

Mr. HITCHCOCK. I stated that I would yield for that motion.

The VICE-PRESIDENT. The question is on the motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session the doors were reopened.

ADMISSION OF NEW MEXICO.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2418) to enable the people of New Mexico to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States.

Mr. SARGENT. I propose to move *seriatim* the amendments which were made in the case of Colorado, commencing with the first one and going on all the way through. Perhaps it would be more satisfactory to the Senate to see that each amendment is in instead of moving a substitute embodying them, which has been prepared. On line 23, of section 3, I move to strike out the words "from the passage of this act" and insert "next after the 1st day of September, 1875."

The amendment was agreed to.

Mr. EDMUNDS. There ought to be an amendment in line 20, of section 3—"be held throughout the Territory at such time in the month of November, 1875, as shall be fixed."

Mr. SARGENT. The Senator can move that. I took the amendments which were carried in the other bill. I got them at the Clerk's desk.

Mr. EDMUNDS. I think this was put on the other bill; it was moved, at any rate. In line 20 of section 3, after the word "time," I move to insert "in the month of November, 1875."

Mr. MORTON. That was agreed to.

Mr. EDMUNDS. It was agreed to in the other bill.

Mr. SARGENT. The Clerk failed to give it to me then.

The amendment was agreed to.

Mr. SARGENT. Now, in section 5, line 6, after the word "held," I move to insert the words "in the month of July, 1876."

Mr. EDMUNDS. It should come in after the word "time;" so as to read:

Shall be held at such time in the month of July, 1876.

Mr. SARGENT. I followed the Clerk; but I accept the modification.

The amendment was agreed to.

Mr. SARGENT. The next amendment which I received from the Clerk is in section 8, line 5, after the word "thereof" to insert—

With the approval of the President.

The amendment was agreed to.

Mr. SARGENT. The next amendment is in section 9, line 2, after the word "located" to insert "and with the approval."

The amendment was agreed to.

Mr. SARGENT. The next amendment is in section 10, line 3, after the word "selected" to insert the words "and approved."

The amendment was agreed to.

Mr. SARGENT. The next amendment is in section 11, line 3, to strike out the word "or" at the beginning of the line and insert "and."

The amendment was agreed to.

Mr. SARGENT. In section 12, line 2, after the words "sales of," I move to insert "agricultural."

The amendment was agreed to.

Mr. SARGENT. Now, in lines 2 and 3 I move to strike out the words "have been or," and in line 3 to strike out the words "prior or."

The amendment was agreed to.

Mr. SARGENT. As a proviso to the same section, I move to add—

Provided, That this section shall not apply to any lands disposed of under the homestead laws of the United States, or to any lands now or hereafter reserved for public or other uses.

The amendment was agreed to.

Mr. SARGENT. Now I move to strike out section 13, as follows:

SEC. 13. That the eighth section of the act of Congress entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved the 4th day of September, 1841, shall be, and is hereby declared to be, applicable to the State of New Mexico, when admitted into the Union as herein provided.

The amendment was agreed to.

Mr. SARGENT. I offer the following additional section to the bill:

That all mineral lands shall be excepted from the operation and grants of this act.

The amendment was agreed to.

Mr. THURMAN. There is one thing that I should like to have a word of explanation about, and that is this clause in section 4, among the conditions to be provided by ordinance of the convention:

Secondly, that the people inhabiting said Territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands and to all lands owned or held by any Indian or Indian tribes, until the title thereto shall have been extinguished by the United States lying within said Territory.

The way it is punctuated it means "the United States lying within said Territory." I am reading from the Colorado bill, and I was told the same words are here. It is on page 4 of the Colorado bill.

Mr. EDMUNDS. I did not see any such thing in the Colorado bill, but it may be there.

Mr. THURMAN. It is the second condition in the proviso. The proviso is:

And provided further, That said convention shall provide, by an ordinance, irrevocable without the consent of the United States and the people of said State, first, that perfect toleration of religious sentiment shall be secured, and no inhabitant of said State shall ever be molested, in person or property, on account of his or her mode of religious worship.

Mr. EDMUNDS. I do not see in the New Mexico bill anything about Indian lands.

Mr. THURMAN. This is in the Colorado bill. I have been out of the Senate because I have been sick all day. Here it reads:

Secondly, that the people inhabiting said Territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands and to all lands owned or held by any Indian or Indian tribes, until the title thereto shall have been extinguished by the United States lying within said Territory.

Mr. EDMUNDS. That is not in the bill under consideration.

Mr. SARGENT. No; it is not in this bill.

Mr. THURMAN. It is in the Colorado bill. The implication is that when we extinguish the right, they set up title.

Mr. EDMUNDS. That is so; but I did not observe that in the Colorado bill.

Mr. THURMAN. It does not prohibit them from setting up a title. They have no right to that, and their jurisdiction over them we do not intend to take away.

Mr. SARGENT. The language of this bill is:

That the people inhabiting said Territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said Territory, and that the same shall be and remain at the sole and entire disposition of the United States, and that the lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the lands belonging to residents thereof.

Mr. THURMAN. That is right.

Mr. SARGENT. Cannot we by unanimous consent agree that the provision in the Colorado bill shall be the same as in this bill? I submit that question, whether we cannot by unanimous consent agree that the Colorado bill shall be made to conform with this bill in this provision; so as to read:

Thirdly. That the people inhabiting said Territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said Territory, and that the same shall be and remain at the sole and entire disposition of the United States, and that the lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the lands belonging to residents thereof, and that no taxes shall be imposed by the State on lands or property therein belonging to, or which may hereafter be purchased by, the United States.

I offer that as a substitute for the equivalent provision in the Colorado bill. I want to substitute the "thirdly" in this bill for the "secondly" in the Colorado bill.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The correction may be made in the Colorado bill by unanimous consent. The Chair hears no objection to that correction being made.

Mr. HITCHCOCK. I think we had better wait to get through with one bill before we take up another.

Mr. STOCKTON. It seems to be taken for granted that there is unanimous consent unless a gentleman rises and makes a noise. I rose three or four times. I certainly never will give my consent to such legislation as that after the passage of a bill a gentleman may rise and suggest that by unanimous consent the bill is to be made different from the bill that passed. I am perfectly willing to have the amendment made, but let the Senator move to reconsider.

Mr. SARGENT. I enter that motion and will call it up by and by.

Mr. LOGAN. Let us finish this bill first.

The PRESIDING OFFICER. Objection is made to the proposition of the Senator from California.

Mr. MERRIMON. I move to strike out from the word "and" in line 12 of section 4 to the word "taxed" in line 14. The clause to be stricken out is:

And make no distinction in civil or political rights on account of race or color, except Indians not taxed.

Mr. THURMAN. I should like to understand what is considered to be the effect of that provision in the bill. We know that in some States persons who have resided in the State and are permanently domiciled there are allowed to vote without having even declared their intention to become citizens of the United States. I think many States have gone that far; certainly they have allowed foreigners to vote without even that formality. It is not necessary therefore, in order to be an elector of a State, that one should be a citizen of the United States, that a person should have been naturalized. What would be the effect in case Colorado or New Mexico should not require United States citizenship as a qualification of elect-

ors? Would not this provision in the ordinance, if considered binding on the State, compel them to allow all the Chinese to vote? I should like somebody to explain why it would not.

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

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

Mr. CAMERON called for the yeas and nays on the passage of the bill; and they were ordered.

Mr. THURMAN. After passing the Colorado bill, and passing it by a large majority, I see no reason why this bill should not pass provided the reasons for passing the Colorado bill were sufficient, as they appear to have been in the minds of the Senate. The vote on the Colorado bill was quite decided; and if the Senate think Colorado is entitled to admission into the Union, the same reasons should induce it to admit New Mexico. The claims of New Mexico indeed are stronger than the claims of Colorado. The claims of New Mexico have the additional sanction of the treaty we made with Mexico by which that Territory was acquired, and also the fact that New Mexico has more population than has Colorado. I shall not therefore, after the Senate has voted to admit Colorado, feel myself under any obligation to oppose the admission of New Mexico.

Mr. BAYARD. I wish to ask the Senator who seems to have charge of this bill to state the population of the Territory?

Mr. HITCHCOCK. Its population is equal to that of Colorado, and probably greater.

Mr. HAMILTON, of Maryland. How many votes did it poll at the last election?

Mr. HITCHCOCK. I am unable to inform the Senator.

Mr. HAMILTON, of Maryland. Is there anybody on this floor who is able?

Mr. SARGENT. The census of 1860 showed a population of over ninety-three thousand, and although Arizona and Colorado were cut off afterward, the census of 1870 showed 91,871, and it is very well known that the census is taken very imperfectly indeed in these extensive Territories. It is so even in my State. The State of California unquestionably has a population of seven hundred and fifty thousand souls, but a census taken there to-morrow would not probably show over between five and six hundred thousand. It is impossible to take the census there as you can in the city of Baltimore or the State of Maryland.

Mr. HAMILTON, of Maryland. One thing we do know, that there has always been an interest taken in the Delegate elections in that Territory, and I want to know what the vote was at the last Delegate election.

Mr. LOGAN. The vote at the last election, which I am told was not a full vote, was 17,500.

The question being taken by yeas and nays, resulted—yeas 32, nays 11; as follows:

YEAS—Messrs. Alcorn, Allison, Anthony, Bogy, Boutwell, Cameron, Conover, Cragin, Dennis, Dorsey, Ferry of Michigan, Flanagan, Gilbert, Gordon, Hamlin, Harvey, Hitchcock, Ingalls, Kelly, Lewis, Logan, Mitchell, Oglesby, Patterson, Ramsey, Sargent, Spencer, Stewart, Tipton, West, Windom, and Wright—32.

NAYS—Messrs. Edmunds, Frelinghuysen, Hamilton of Maryland, McCreery, Merrimon, Morton, Pease, Pratt, Saulsbury, Stevenson, and Stockton—11.

ABSENT—Messrs. Bayard, Boreman, Brownlow, Carpenter, Chandler, Clayton, Conkling, Cooper, Davis, Eaton, Fenton, Ferry of Connecticut, Goldthwaite, Hager, Hamilton of Texas, Howe, Johnston, Jones, Morrill of Maine, Morrill of Vermont, Norwood, Ransom, Robertson, Schurz, Scott, Sherman, Sprague, Thurman, Wadleigh, and Washburn—30.

So the bill was passed.

ADMISSION OF COLORADO.

Mr. SARGENT. Now I move that the vote by which the Colorado bill was passed be reconsidered in order that we may correct the text.

The motion was agreed to; and the passage of the bill (H. R. No. 435) to enable the people of Colorado to form a constitution and State government, and for the admission of said State into the Union on an equal footing with the people of the original States, was reconsidered.

Mr. SARGENT. I move to reconsider the vote by which the bill was ordered to a third reading.

The motion was agreed to.

Mr. SARGENT. Now I move in section 4 to strike out from line 25 to line 27 these words:

And to all lands owned or held by any Indian or Indian tribes until the title thereto shall have been extinguished by the United States.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN W. DARBY.

Mr. RAMSEY. I desire the Senate to give their consent to let me pass a pension bill. It is House bill No. 2765. It will take but a minute. The Senator from Indiana, [Mr. PRATT,] the chairman of the committee, recommends it.

There being no objection, the bill (H. R. No. 2765) granting a pension to John W. Darby was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John W. Darby, late a private in Company M, Thirty-second Regiment Massachusetts Volunteers.

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

COUNTING OF ELECTORAL VOTES.

Mr. MORTON. I move that the Senate proceed to the consideration of the bill (S. No. 1251) to provide and regulate the counting of votes for President and Vice-President and the decision of questions arising thereon.

The motion was agreed to.

Mr. DAVIS, (at six o'clock and fifty-six minutes p. m.) I move that the Senate do now adjourn.

Mr. EDMUNDS. I ask for the yeas and nays on that motion.

The yeas and nays were ordered; and being taken, resulted—yeas 21, nays 25; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Boreman, Cooper, Davis, Dennis, Gilbert, Gordon, Hamilton of Maryland, Kelly, Lewis, McCreery, Merrimon, Norwood, Ransom, Saulsbury, Stevenson, Stockton, Thurman, and Tipton—21.

NAYS—Messrs. Allison, Anthony, Boutwell, Cameron, Dorsey, Edmunds, Flanagan, Frelinghuysen, Harvey, Hitchcock, Ingalls, Logan, Morrill of Maine, Morton, Oglesby, Patterson, Pease, Pratt, Ramsey, Sargent, Scott, Spencer, West, Windom, and Wright—25.

ABSENT.—Messrs. Brownlow, Carpenter, Chandler, Clayton, Conkling, Conover, Cragin, Eaton, Fenton, Ferry of Connecticut, Ferry of Michigan, Goldthwaite, Hager, Hamilton of Texas, Hamlin, Howe, Johnston, Jones, Mitchell, Morrill of Vermont, Robertson, Schurz, Sherman, Sprague, Stewart, Wadleigh, and Washburn—27.

So the Senate refused to adjourn.

The PRESIDING OFFICER. Senate bill No. 1251 is before the Senate as in Committee of the Whole, and will be read.

Mr. CAMERON. I ask the Senator from Indiana now to give way to me for a few minutes.

Mr. EDMUNDS. I call for the regular order.

The PRESIDING OFFICER. The regular order is called for. The Secretary will proceed with the reading of the bill.

Mr. CAMERON. I have appealed to the Senator from Indiana, and he has not said whether he would yield to me or not.

Mr. EDMUNDS. He cannot do it without laying aside the bill.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole, and will be read.

The bill was read.

Mr. CAMERON. Now I move to postpone the bill before the Senate for the purpose I have indicated.

Mr. LOGAN. I would not do that.

Mr. CAMERON. Yes, I will; and I ask for the yeas and nays.

The yeas and nays were ordered; and being taken resulted—yeas 10, nays 17; as follows:

YEAS—Messrs. Bogy, Cameron, Dennis, Merrimon, Mitchell, Patterson, Ramsey, Spencer, Stevenson, and Thurman—10.

NAYS—Messrs. Alcorn, Boreman, Boutwell, Cragin, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Gilbert, Logan, Morrill of Maine, Morton, Pratt, Sargent, West, Windom, and Wright—17.

ABSENT—Messrs. Allison, Anthony, Bayard, Brownlow, Carpenter, Chandler, Clayton, Conkling, Conover, Cooper, Davis, Eaton, Fenton, Ferry of Connecticut, Frelinghuysen, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Johnston, Jones, Kelly, Lewis, McCreery, Morrill of Vermont, Norwood, Oglesby, Pease, Ransom, Robertson, Saulsbury, Schurz, Scott, Sherman, Sprague, Stewart, Stockton, Tipton, Wadleigh, and Washburn—46.

The PRESIDING OFFICER. There is not a quorum voting.

Mr. THURMAN, (at seven o'clock and ten minutes p. m.) I move that the Senate adjourn.

Mr. EDMUNDS. On that question I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 4, nays 22; as follows:

YEAS—Messrs. Bogy, Gilbert, Ramsey, and Thurman—4.

NAYS—Messrs. Alcorn, Anthony, Boutwell, Cameron, Edmunds, Flanagan, Harvey, Hitchcock, Ingalls, Logan, Mitchell, Morrill of Maine, Morton, Oglesby, Pease, Pratt, Sargent, Scott, Spencer, West, Windom, and Wright—22.

ABSENT—Messrs. Allison, Bayard, Boreman, Brownlow, Carpenter, Chandler, Clayton, Conkling, Conover, Cooper, Cragin, Davis, Dennis, Dorsey, Eaton, Fenton, Ferry of Connecticut, Ferry of Michigan, Frelinghuysen, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Howe, Johnston, Jones, Kelly, Lewis, McCreery, Merrimon, Morrill of Maine, Norwood, Patterson, Ransom, Robertson, Saulsbury, Schurz, Sherman, Sprague, Stevenson, Stewart, Stockton, Tipton, Wadleigh, and Washburn—47.

The PRESIDING OFFICER. The Senate refuses to adjourn; but there is not a quorum voting.

Mr. RAMSEY. Would it be in order to move for an executive session now?

Mr. EDMUNDS. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. THURMAN. That is a debatable motion.

Mr. EDMUNDS. Not when there is not a quorum.

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

The yeas and nays were ordered.

Mr. THURMAN. Does the Chair decide that the motion is not debatable?

The PRESIDING OFFICER. The Chair so decides.

Mr. THURMAN. I appeal.

Mr. MORTON. I ask unanimous consent to take this vote to-morrow at one o'clock.

Mr. EDMUNDS. The motion is not debatable.

Mr. THURMAN. The motion is to send the Sergeant-at-Arms for absentees. I would like somebody to point out a rule that says it is not debatable.

Mr. EDMUNDS. I object to debate.

The PRESIDING OFFICER. There are only two motions to be put, to adjourn or to send for the absentees. The Chair so rules.

Mr. THURMAN. I should like to be referred to the rule which forbids debate.

Mr. EDMUNDS. Regular order.

Mr. THURMAN. Let us have the rule read. Nothing will be gained——

Mr. EDMUNDS. Mr. President, I object to debate.

The PRESIDING OFFICER. Objection is made to debate. The yeas and nays have been called for.

Mr. EDMUNDS. On what question?

Mr. THURMAN. On the appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from Ohio appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

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

The yeas and nays were ordered; and being taken, resulted—yeas 25, nays 3; as follows:

YEAS—Messrs. Alcorn, Allison, Boreman, Boutwell, Cameron, Cragin, Dorsey, Edmunds, Flanagan, Frelinghuysen, Hitchcock, Logan, Mitchell, Morrill of Maine, Morton, Oglesby, Pease, Pratt, Ramsey, Scott, Spencer, Stevenson, West, Windom, and Wright—25.

NAYS—Messrs. Gilbert, Sargent, and Thurman—3.

ABSENT—Messrs. Anthony, Bayard, Bogy, Brownlow, Carpenter, Chandler, Clayton, Conkling, Conover, Cooper, Davis, Dennis, Eaton, Fenton, Ferry of Connecticut, Ferry of Michigan, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Harvey, Howe, Ingalls, Johnston, Jones, Kelly, Lewis, McCreery, Merrimon, Morrill of Vermont, Norwood, Patterson, Ransom, Robertson, Saulsbury, Schurz, Sherman, Sprague, Stewart, Stockton, Tipton, Wadleigh, and Washburn—45.

The PRESIDING OFFICER. There is not a quorum voting.

Mr. EDMUNDS. If the appeal could be taken at all, it is beaten of course.

The PRESIDING OFFICER. There is no decision.

Mr. MORRILL, of Maine. I should like to inquire what the motion is.

The PRESIDING OFFICER. The motion is that the Sergeant-at-Arms be directed to request the presence of the absentees; on which motion the yeas and nays have been ordered.

Mr. CAMERON. I think——

Mr. EDMUNDS. The motion is not debatable.

Mr. STEVENSON. I rise to a question of order. Can less than a quorum do any sort of business?

The PRESIDING OFFICER. None except to adjourn or to send for the absentees.

Mr. STEVENSON. Under what rule can they send for absentees?

The PRESIDING OFFICER. That has been the uniform practice of the Senate. On this motion the yeas and nays have been ordered.

Mr. MORTON. Before the vote is taken I ask unanimous consent to make a proposition, and that is that we take the vote on the bill to-morrow at one o'clock.

Mr. LOGAN. How can you make a bargain when there is not a quorum?

Mr. CAMERON. We can make a bargain for ourselves.

Mr. MORTON. If I can have unanimous consent that we shall take the vote to-morrow at one o'clock, I shall be willing that the Senate now adjourn.

Mr. PEASE. I rise to a point of order: that no motion can be entertained, it having been declared that there is no quorum present, except a motion to adjourn or a motion for a call of the Senate. No motion for unanimous consent can obtain. No motion is in order except to adjourn or to order a call of the Senate.

Mr. SCOTT. I suggest that the Chair count the Senators present and ascertain whether there is not a quorum in the Chamber.

The PRESIDING OFFICER. The yeas and nays on this question will reveal the fact whether there is a quorum present.

Mr. LOGAN. I would like to ask—I do not know whether it would be considered a parliamentary question or not—is there no means of ascertaining the presence of a quorum except by the yeas and nays? Is it not a fact patent to everybody that there is a quorum present; and when members sit here and refuse to answer to their names, has not the President of the Senate a right to count the Senate to ascertain if there be not a quorum present?

Mr. EDMUNDS. Let the call proceed.

Mr. THURMAN. The rule ought not to be enforced on one side and not on the other.

The PRESIDING OFFICER. The roll-call will proceed on the motion to send for absentees.

The Secretary proceeded to call the roll.

Mr. OGLESBY, (when his name was called.) The roll is being called now, as I understand, on a motion for the President to direct the Sergeant-at-Arms to go for absentees.

The PRESIDING OFFICER. To request their attendance.

Mr. OGLESBY. And if that fails for the want of a majority, there being no quorum present, I suppose they will not be sent for. If the motion prevails will they be sent for?

The PRESIDING OFFICER. Certainly.

Mr. OGLESBY. And shall we have to remain here till they come?

The PRESIDING OFFICER. Certainly. [Laughter.]

Mr. OGLESBY. I vote "yea."

The result was announced—yeas 26, nays 10; as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Cameron, Cragin, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Harvey, Hitchcock, Ingalls, Logan, Mitchell, Morrill of Maine, Morton, Oglesby, Pease, Pratt, Sargent, Scott, Spencer, West, Windom, and Wright—26.

NAYS—Messrs. Alcorn, Bayard, Bogy, Boreman, Dennis, Gilbert, McCreery, Merrimon, Ramsey, and Stevenson—10.

ABSENT—Messrs. Brownlow, Carpenter, Chandler, Clayton, Conkling, Conover, Cooper, Davis, Eaton, Fenton, Ferry of Connecticut, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Howe, Johnston, Jones, Kelly, Lewis, Morrill of Vermont, Norwood, Patterson, Ransom, Robertson, Saulsbury, Schurz, Sherman, Sprague, Stewart, Stockton, Thurman, Tipton, Wadleigh, and Washburn—37.

The PRESIDING OFFICER. There is no quorum voting.

Mr. EDMUNDS. That does not make any difference. The order is made.

The PRESIDING OFFICER. The Sergeant-at-Arms will request the presence of absentees.

Mr. PRATT. I move to postpone the pending order——

The PRESIDING OFFICER. No business can be transacted.

Mr. EDMUNDS. We are executing an order of the Senate now.

Mr. MORRILL, of Maine. Can it not——

The PRESIDING OFFICER. No business can be transacted except a motion to adjourn. A call of the Senate is being executed.

Mr. PRATT. Cannot my motion be heard?

The PRESIDING OFFICER. It cannot. It is out of order.

Mr. ALLISON. Cannot the Senator from Indiana, by unanimous consent, be allowed to present his bill?

Mr. EDMUNDS. There is no quorum. There cannot be unanimous consent.

Mr. PRATT. I think this motion of mine would produce a quorum in very short order.

The PRESIDING OFFICER. The Senator is out of order.

Mr. LEWIS, (at seven o'clock and thirty-seven minutes p. m.) I move that the Senate adjourn.

A division was called for.

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

The yeas and nays were not ordered.

Mr. ANTHONY. I ask unanimous consent to make a statement. I am informed that it was understood by our friends on the other side of the Chamber that if this vote should be taken on the two bills which have been passed without any unnecessary delay, after that we should adjourn. I did not know it, and I was not a party to it, but if that was the understanding and if in consideration of that Senators have withheld speeches which they had intended to make, I think not only good faith, but a regard for our own comfort and convenience, require that we should carry out the understanding whatever it was, and I for one will do it although I did not know of it. But certainly if the speeches which we might naturally have expected upon two bills of such importance have been withheld on the other side upon that understanding, I think we should abide by it.

Mr. EDMUNDS. Mr. President——

Mr. LEWIS. I moved that the Senate adjourn, and it is not debatable.

The PRESIDING OFFICER. The Chair supposed no objection was raised to the statement by the Senator from Rhode Island. The Senator from Vermont desires to make a statement.

Mr. LEWIS. I waive the motion for the moment.

Mr. EDMUNDS. So far as I know I have never violated an engagement of honor on this floor. I never heard until this minute that there was such an understanding on the part of anybody. When we have understandings in the Senate that are expected to bind gentlemen, it is usually supposed that they will be made known to them or publicly stated, so that they might have known of them if they had been present. If any gentleman will say that any public statement of that character was made, whether I was here to hear it or not, I shall most cheerfully acquiesce, because I feel myself bound. If none was made, if gentlemen have made private engagements, of course they must be responsible and nobody else.

Mr. PEASE. Mr. President——

The PRESIDING OFFICER. The Senator from Mississippi asks to make a statement. The Chair hears no objection.

Mr. PEASE. It occurs to me that if any such arrangement was made by our friends on the other side of the Chamber they certainly violated that pledge in moving to adjourn after we had passed upon the Colorado question and we had to rally our forces in order to pass the New Mexico bill. So it seems to me they are debarred from entering any complaint now, for if any arrangement was made I say they were to remain until we passed those two bills, and they certainly did move to adjourn before.

Mr. SCOTT. May I be permitted to recall what occurred, from which I think, if it was not expressly stated certainly, it was inferred, that an adjournment should take place?

Mr. HAMILTON, of Maryland. Certainly.

Mr. SCOTT. Early in the afternoon the Senator from Vermont [Mr. EDMUNDS] made a motion to proceed to the consideration of executive business. When he made that motion the Senator from Nebraska [Mr. HITCHCOCK] who had charge of the Colorado bill rose and stated that he did not wish that motion made at that time, but

that if the Senate would proceed with the Colorado bill and then permit him to take up the bill for the admission of New Mexico, he would not then object to the motion to proceed to the consideration of executive business, although it was not stated that proceeding to the consideration of executive business would be followed by adjournment.

Mr. EDMUNDS. I stated exactly the reverse.

Mr. SCOTT. I know, upon the question of going in at that time; but although it was not stated, still it did create the impression I think on the mind of nearly everybody that all that was expected by the Senator from Nebraska was to get up the bill for the admission of New Mexico and then an executive session would follow and an adjournment take place. Instead of that the New Mexico bill was taken up and passed, and my own impression was that there would be an adjournment in pursuance of what was stated.

Mr. HAMILTON, of Maryland. And the Senator from Indiana, when his bill was taken up, took his coat and hat. That was the idea, and we certainly so understood. I appeal to the Senator from California if it was not so.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. The Senator may proceed if there be no objection.

Mr. HITCHCOCK. Of course, Mr. President, I have no authority to speak for the majority of the Senate, nor for any gentleman who has charge of the business now before the Senate. I stated what I said in regard to the executive session publicly, and the Senate understood all that that implied. They had a right to their own conclusions from that implication. But I had no right to make, and of course I did make no arrangement that binds anybody. I stated, however, what I expected in private conversation with Senators sitting near me. I gave them my personal opinion, and to that extent only am I responsible. It was of course my personal expectation that no further business would be transacted. I hardly hoped even to be fortunate enough to pass the New Mexico bill to-night, and with that passage I was agreeably disappointed. Beyond that of course I am not responsible and cannot be held responsible, except that personally I should have been very glad, with other Senators, to adjourn at that time had I been able to induce the Senate to adjourn.

Mr. ALCORN. Mr. President——

The PRESIDING OFFICER. If there be no objection, the Senator from Mississippi will proceed.

Mr. ALCORN. I know nothing as to an arrangement or as to the form in which the proposition came if it came at all, or how it was accepted; but I do know that the general understanding around me in this circle was that as soon as the two bills which have been referred to should be passed, the Senate would adjourn. I heard it said in my hearing on my right and on my left, and I supposed in truth that there was a general understanding to that effect. Hence it was that I voted for an adjournment to carry out what I understood to be the consent of all parties.

Mr. BOREMAN. I simply wish to corroborate what has been said by the Senator from Mississippi. It was understood in this portion of the Chamber that when we got through with the two new State bills there would be an adjournment. I know that was the impression here, and some of the opponents of the bills abated their opposition to some extent on that ground. I am satisfied of that, and I think in good faith we ought to adjourn.

Mr. MORTON. Before a vote is taken on the adjournment, I ask unanimous consent to an agreement to take the vote on this bill to-morrow at one o'clock.

Mr. HAMILTON, of Maryland. We cannot agree to that.

Mr. MORTON. Say two o'clock.

Mr. ANTHONY. Say four o'clock.

The PRESIDING OFFICER. This debate is proceeding by common consent.

Mr. LOGAN. It is perfectly evident that we have a quorum; it has been perfectly evident all the evening that we had a quorum. I do not desire to break any agreement, but I do say that if the Senate can be held to an agreement that may be made by any one member, not published to the Senate, and Senators may then be called upon to carry out such agreements, legislation might be thwarted from now to the end of the session. I have always understood that when agreements were made between the different sides of the Chamber they were made publicly. I heard nothing of this agreement; I knew nothing about it. It would have been much better, if such an agreement is to be carried out, that Senators should have stated it some time ago. That would have saved a good deal of trouble, and we might have been home by this time. I suppose the idea now is that we are to adjourn and give up after having ordered a call of the Senate and sent the Sergeant-at-Arms for the purpose of requesting Senators to come here for the reason and only reason that Senators sat in their seats and refused to answer to their names when a quorum was certainly present. If that is the way to carry out agreements, I do not understand this thing of agreements. I have learned something by this performance. If we are ever in the minority here, the best way for us to stop legislation is just to sit still and not vote. There is no rule that requires a man to vote.

Several SENATORS. Legislation has not been stopped.

Mr. LOGAN. It has stopped legislation. I do not say there was any intention of that kind; but I say it would have been better for Senators to have made this statement about an agreement before this thing occurred, and saved us the trouble of witnessing men sitting here in silence and refusing to answer to their names. If it is thought we ought to carry out an agreement of this kind, I will consent, and would have done so along ago. Here we have been held for an hour in this way without any one stating that there was any such agreement. Now at this late hour it is said an agreement was made. If the rest of the Senate consent, I have no objection; but for myself I do not understand it; for my part I do not consider myself bound by it; and I do not propose to carry it out unless the majority of the Senate is in favor of doing so.

Mr. CAMERON. I desire to make a short explanation—only a word or two.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. CAMERON. We had no formal understanding on this subject, but I understood that after we should have gotton through with the bills admitting the two Territories we should adjourn. I think that was the general impression all arounnd the Senate Chamber; and as evidence of it the Senator who had charge of the bill now brought up left his place, left the Senate Chamber for the purpose of going home when it was taken up. I certainly should not have persisted so much in bringing up my poor little bill if I had not been under the impression that when night came we should adjourn in a few minutes. I considered the business of the Senate as done for to-day, and therefore I thought that little bill might be acted on, and for that reason I persisted as much as I did.

Mr. INGALLS. What is the question?

The PRESIDING OFFICER. The motion of the Senator from Virginia that the Senate adjourn. The Senator from Pennsylvania is speaking by unanimous consent.

Mr. CAMERON. I only intended to say further that I shall certainly vote for the adjournment now. I think that is due to our own sense of justice to many gentlemen here. As further evidence that it was believed so, a great many of our own friends who are anxious to vote on this particular bill have left. There are empty seats here which would have been occupied if those gentlemen had believed this bill was to be pressed now.

Mr. LEWIS. It is very evident that in the present temper of the Senate no business can be transacted. I insist now on the motion to adjourn.

The PRESIDING OFFICER. The Chair was about putting the motion of the Senator from Virginia.

Mr. MORTON. Before the motion is put I again ask if we cannot get an agreement to vote on this bill to-morrow at four o'clock.

Mr. BAYARD. There has been no suggestion of a disposition at any time to make any undue delay in debate, and it is impossible to say how long this question may be discussed. I trust it will be discussed with a due sense of each man's responsibility to the country and to himself. There has been to-day an understanding in regard to some absence of debate on a measure, which does not seem to have been regarded.

Mr. EDMUNDS. It was not a public understanding.

Mr. BAYARD. Therefore the expectation of those who were to be affected by it has been disappointed.

Mr. MORTON. In view of what has taken place, I am satisfied no business can be transacted to-night, and I consent to an adjournment.

Mr. ANTHONY. I think the Senator from Delaware is not quite fair in saying that an understanding had been entered into and that the Senator is not disposed to regard it.

Mr. BAYARD. The Senator misunderstood me. I did not say an understanding was entered into. I said that it was perfectly well understood that the Senator who had the two territorial bills in charge would himself move an adjournment. When a member of this body is placed in charge of a measure by the voice of the majority of the Senate, we suppose that he has some control over the conduct of the business of the Senate; and when he says to us "when these two bills have passed I shall move to adjourn," we suppose that he speaks with some authority, because we can then see what the termination of the business is. I do not mean to say that that business ought to have been prolonged or would have been prolonged. I do not mean to say that there was an abstinence from debate, because I have no right to say that. I only say that when the proposition was made that there should be an adjournment by the person in charge of the business of the evening, we were surprised that it was not agreed to.

Mr. ANTHONY. When, Mr. President——

Mr. THURMAN. I insist on the vote.

Mr. ANTHONY. I think after the Senator from Delaware's remarks, I ought to be allowed to reply; but if the Senator from Ohio does not think so, I will yield.

Mr. BAYARD. I beg that the Senator may be heard.

Mr. THURMAN. The Senator from Delaware replied to the Senator from Rhode Island.

Mr. ANTHONY. He did not reply to me, but interrupted me.

Mr. THURMAN. I withdraw any objection.

Mr. ANTHONY. The Senator from Delaware says there was no understanding entered into, but the thing was perfectly understood. I do not understand myself the difference between those terms; but it seems to me now, from what has been said on both sides of the Chamber, that the Senator who is in charge of the bill, who Senators

on the other side had the right to suppose had our confidence, as he certainly has, gave them to understand that at the close of the two bills we should adjourn. Therefore, out of respect to him, and out of regard for the understanding which was had on the other side, I shall vote to adjourn; but I never heard of the understanding until I heard the complaint on the other side.

Mr. HITCHCOCK. I desire unanimous consent to make a personal explanation. I desire to say that I never did, either publicly or privately, then or at any other time, say I would move to adjourn, and I presume no Senator on this floor will say that I so stated.

Mr. HAMILTON, of Maryland. It was to go into executive session.

Mr. BAYARD. Then the Senator must have been gravely misunderstood, for his statement was heard by more than one Senator.

Mr. HITCHCOCK. They must have misunderstood me. I said publicly that I would not oppose going into executive session.

Mr. HAMILTON, of Maryland. That was it.

Mr. LOGAN. That was no agreement to adjourn.

The PRESIDING OFFICER. The Senator from Virginia [Mr. LEWIS] has moved that the Senate do now adjourn.

Mr. ALLISON. I understand the Senator from Indiana who has charge of the bill desires an adjournment. If so, I vote yea.

Mr. MORTON. I said I would not oppose an adjournment, because I am satisfied nothing will be done to-night.

The PRESIDING OFFICER put the question on the motion to adjourn, and declared that it appeared to be agreed to.

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

The yeas and nays were not ordered, one-fifth of the Senators not seconding the call.

The PRESIDING OFFICER, (at seven o'clock and fifty minutes p. m.) The ayes have it. The Senate stands adjourned till to-morrow morning at eleven o'clock.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 24, 1875.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

CHARLES A. LUKE.

Mr. McCORMICK, by unanimous consent, introduced a bill (H. R. No. 4837) for the relief of Charles A. Luke; which was read a first and second time.

The question was on ordering the bill to be engrossed and read a third time.

The bill was read. It appropriates, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $1,200, to be paid by the Secretary of War to Charles A. Luke, now of Prescott, Territory of Arizona, in full compensation for property taken from him for the use of the Government in the extension of the military reservation at Camp Mohave, in said Territory, under General Orders No. 62, dated at headquarters of the Army, August 16, 1869.

Mr. McCORMICK. This is the unanimous report of the Committee on Military Affairs.

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. McCORMICK 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.

CONVEYANCE OF HOMESTEADS IN DAKOTA.

Mr. POLAND, by unanimous consent, introduced a bill (H. R. No. 4838) to declare the true intent and meaning of the twentieth section of the act of the Legislature of the Territory of Dakota, passed January 14, 1875, entitled "An act making the conveyances of homesteads not valid unless the wife joins in the conveyance;" which was read a first and second time.

The question was on ordering the bill to be engrossed and read a third time.

The bill was read. It provides that the twentieth section of the act named in the title shall not be construed as an absolute repeal of chapter 37 of the laws of Dakota, approved May 12, 1862, but only as repealing so much of said chapter 37 as is inconsistent with the first-named act, and no other effect shall be given to said twentieth section.

Mr. POLAND. I will state in a moment the object of this bill. By some mischance or other, when the Legislature of the Territory of Dakota at their late session passed an act relating to homesteads, by its twentieth section they repealed a former chapter which provided for homesteads. But that chapter also provided for the exemption of personal property, so that all exemptions of personal property are repealed. There is in consequence a great state of alarm in that Territory; public meetings are being held; and it this is to correct that mistake.

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. POLAND 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.

SITE FOR PUBLIC BUILDING AT JERSEY CITY.

Mr. SCUDDER, of New Jersey. I ask that by unanimous consent the Committee on Public Buildings and Grounds be discharged from the further consideration of the bill (H. R. No. 4458) relating to a site for a public building at Jersey City, in the State of New Jersey, and that it be now passed. It is simply a bill to authorize the condemnation of land.

Mr. GARFIELD. I object.

Mr. SCUDDER, of New Jersey. The bill makes no appropriation whatever.

Mr. GARFIELD. It enlarges the limit, does it not?

The SPEAKER. There are several gentlemen who desire to ask unanimous consent. If members will simply be quiet and listen they have the entire control, for a single objection will stop any such measure. Gentlemen merely ask the privilege of presenting these things. It will ease the business of the House very greatly to devote a little time to that kind of business. The gentleman from New Jersey asks unanimous consent for the passage of the bill which will now be read by the Clerk.

The bill was read. It authorizes the Secretary of the Treasury to purchase at private sale, or by condemnation if necessary, a suitable site for the public building to be erected in Jersey City, in the State of New Jersey, provided for by act of Congress approved March 3, 1873; the proceedings to condemn to be instituted in the district court of the United States for the district of New Jersey, and conducted under the direction of the said court, so far as practicable, in the manner prescribed by the act of the Legislature of the State of New Jersey entitled "An act to authorize the formation of railroad corporations, and regulate the same," approved April 2, 1873, or such other mode of condemnation as shall be in pursuance of the laws of said State, and as the said court may determine upon; provided that the cost of said site shall not exceed the amount appropriated by the said act of March 3, 1873.

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. SCUDDER, of New Jersey, 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.

LYDIA CRUGER.

Mr. BURROWS, by unanimous consent, from the Committee on Claims, reported a bill (H. R. No. 4839) for the relief of Lydia Cruger, executrix of Moses Shepherd, deceased; which was read a first and second time.

The question was on ordering the bill to be engrossed and read a third time.

The bill was read. It appropriates the sum of $18,124.34 for the payment of the judgment rendered in favor of Lydia Cruger, executrix of Moses Shepherd, by the Court of Claims of the United States on the 19th day of November, A. D. 1860, to be paid to the said Lydia Cruger or her legal representatives.

Mr. BURROWS. This is a judgment of the Court of Claims that never has been paid. The bill is the unanimous report of the Committee on Claims.

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. BURROWS 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.

STEAMER ALABAMA.

Mr. SYPHER. I ask unanimous consent to submit the following resolution for consideration and adoption at this time:

Resolved, That it shall be in order to consider an amendment in Committee of the Whole to the miscellaneous appropriation bill to allow the sum of $3,000 to pay a bill of general average on account of the steamer Alabama.

I will say that this matter has been investigated by the Committee on the Judiciary, and is reported by them unanimously.

Mr. ATKINS. Does it come from any committee?

Mr. BUTLER, of Massachusetts. It comes from the Committee on the Judiciary, and is unanimously reported by them.

There being no objection, the resolution was adopted.

IMPROVEMENT OF THE FOX AND WISCONSIN RIVERS.

Mr. SAWYER. I am instructed by the Committee on Commerce to report back with some slight amendments the bill (H. R. No. 4573) to aid the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin, and to ask for its consideration at this time.

The SPEAKER. The bill will be read, after which objections will be in order.

The first section of the bill provides that whenever, in the prosecution and maintenance of the improvement of the Wisconsin and Fox