by them from the treasury of the District, which we respectfully ask Congress to refund to the District.

Then there is another letter from the commissioners of the District of Columbia, setting forth in detail those expenditures which the commissioners of the District understand to be properly payable by Congress. By the law creating the District commission a great many matters of detail had to be left with them, and they are gentlemen, I believe, entirely trustworthy; and the Committee on Appropriations thought it our duty to report these recommendations. They are the recommendations of our own officers, and of course authorized by law of Congress. I do not think that any point of order can lie against this paragraph in any way. If there be anything against it, it must be upon its merits.

Mr. LOUGHRIDGE. I make the point of order that this paragraph is not only without authority of law but against law. The items are as follows:

On account of salaries of the commissioners of the District of Columbia to January 1, 1875, $7,528.66.

I think that would be in order.

On account of salaries of assistant engineers to January 1, 1875, $1,736.16.
On account of expenses of the board of audit, including salaries of the clerks, &c., to January 1, 1875, $25,486.63.

Now, the law expressly says that the expenses of the board of audit shall be paid by the District of Columbia from the taxes and revenues of the District of Columbia.

On account of printing and trimming 3.65 bonds, act June 20, $11,451.25.

The law expressly says that those bonds shall be paid for by the District. I refer to the act of last session, on page 120, which is as follows:

And they are hereby authorized to allow for the services of such accountant or accountants and assistants such sums as they may deem proper, which shall be paid by the board of commissioners out of the revenues of said District.

Again:

Each of the said officers constituting said board shall be paid the sum of $2,000 for his services under this act, out of the funds of said District, in addition to his present compensation.

The law provides that these bonds shall be exempt from taxation by Federal, State, or municipal authority, and that the expense of engraving and printing them should be paid by the District of Columbia.

The CHAIRMAN. What is the point of order?

Mr. LOUGHRIDGE. It is that each one of the items I have indicated should be paid by the District of Columbia. It is therefore contrary to express statute to pay them out of the United States Treasury, unless the law is changed for that purpose.

The CHAIRMAN. The Chair will overrule the point of order for the present, until he is informed specifically in regard to it.

Mr. GARFIELD. We must sit here all night to-morrow night; we sat here all of last night. I am sure we will do more and better work if we get some sleep to-night. I therefore move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. CESSNA having taken the chair as Speaker *pro tempore*, Mr. HAZELTON, of Wisconsin, reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the special order, being the bill (H. R. No. 4840) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1875, and prior years, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the amendment of the House to the bill of the Senate (S. No. 420) to amend an act entitled "An act for the restoration to homestead entry and to market of certain lands in the State of Michigan, and for other purposes."

The message also announced that the Senate had passed, without amendment the bill (H. R. No. 4856) to change the name of the port of Nobleborough to Damariscotta.

The message further announced that the Senate had passed, with an amendment in which the concurrence of the House was requested, the bill (H. R. No. 3504) to provide for deductions from the sentence of United States prisoners.

LEAVE TO PRINT.

Leave to print, as a portion of the debates of the House, remarks prepared upon the subjects indicated was granted as follows:

Mr. MCCORMICK, upon the interests of the Territories, &c. (See Appendix.)

Mr. GARFIELD, upon the political subjects lately considered by the House. (See Appendix.)

Mr. SMALL, upon the subject of cheap interstate transportation. (See Appendix.)

Mr. GARFIELD. I move that the House now adjourn.

The motion was agreed to; and accordingly (at eleven o'clock and twenty-five minutes p. m.) the House adjourned.

IN SENATE.

WEDNESDAY, *March* 3, 1875.

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

Mr. PRATT. I move to dispense with the reading of the Journal this morning for the purpose of calling up the remaining pension cases, private pension bills, some thirty odd in number. I hope there will be no opposition to this. It is the last opportunity I shall have.

The VICE-PRESIDENT. The Senator from Indiana asks that the reading of the Journal of yesterday may be dispensed with in order to put on their passage several pension bills. It requires unanimous consent.

Mr. EDMUNDS. Let the question be divided.

Mr. SARGENT. I object to the motion.

Mr. EDMUNDS. I do not object to dispensing with the reading of the Journal; and then we can see what we shall take up.

Mr. SARGENT. I ask that the morning business may be dispensed with to enable us to proceed with the sundry civil appropriation bill. I would remind Senators that this bill is ninety-eight or one hundred pages, and has to pass the Senate, and then the clerks are compelled to take an hour or two to inform the House of our amendments in the ordinary manner; that then the House is to pass upon them *seriatim*, which will take several hours longer, and after that the committee of conference acts and reports, and then this large bill has to be enrolled; and unless we can put it through early to-day I fear all our labor on it will be lost.

The VICE-PRESIDENT. The Senator from California asks that the reading of the Journal be dispensed with for the purpose of acting upon the sundry civil appropriation bill. Is there objection?

Mr. SARGENT. I trust not.

Mr. CRAGIN. The residue of the morning hour to-day after the regular morning business belongs to the Committee on Naval Affairs, according to the order of the Senate. The committee has four House bills that can be passed in ten minutes, if the committee is allowed that time. My proposition would be to extend the rest of the morning hour to the Committee on Pensions.

The VICE-PRESIDENT. Is there objection to the proposition of the Senator from California?

Mr. HAMLIN. I want to say one word in relation to these pension bills. The enrolling clerks must have some time to enroll them. Less than an hour, probably half an hour, will dispose of all of them. This appropriation bill is going through; there is no trouble about it. The pension bills are cases that appeal to our sympathy; they appeal to our humanity; they are the cases of poor widows mainly, who want the pittance that our Committee on Pensions, rigid as it has been, says they are justly entitled to. Now, I say it will be a crying shame, nay, I hold that it will be a sin, if we do not give a passage to these bills. A few moments will do it. I do hope my friend from California, who has charge of the appropriation bill, will give half an hour for that purpose.

The VICE-PRESIDENT. The Chair hears no objection to the proposition of the Senator from California.

Mr. HAMLIN. I object.

The VICE-PRESIDENT. Objection is made, and the Secretary will read the Journal of yesterday.

Mr. SARGENT. I shall object to anything then except the ordinary morning business.

Mr. HAMLIN. Well; let us have it.

Mr. EDMUNDS. I ask consent that the reading of the Journal be dispensed with; and when we get that done we shall see what we can do next.

Mr. HAMLIN. I withdraw my objection. I will not follow the example of others. I will not be captious.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Vermont that the reading of the Journal be dispensed with? The Chair hears no objection, and the reading is dispensed with.

Mr. SARGENT. Now I believe there is no objection to the Committee on Appropriations proceeding.

Mr. SCOTT. I do not want to object. I want that done; but before I give my consent I wish to ask unanimous consent that after the sundry civil and the river and harbor bills shall be out of the way at least one hour shall be given to bills of the Committee on Claims. I deem it my duty to ask that in view of the two appropriation bills reported from the committee.

Mr. SARGENT. I have no objection to that.

Mr. HAMILTON, of Maryland. I hope that one hour or half an hour will be given to the Committee on the District of Columbia. It is too bad that we have not passed a single measure for the people of this District.

Mr. CRAGIN. Before I give my consent I want it understood that the Committee on Naval Affairs shall have fifteen minutes, as we are entitled to this morning hour, in preference to any other business after the appropriation bills are disposed of.

The VICE-PRESIDENT. Is there objection to the proposition that after action on this bill the Committee on Naval Affairs shall have fifteen minutes?

Mr. CRAGIN. For House bills simply.

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Mr. SCOTT. Is my request granted that when the river and harbor bill and the sundry civil bill have been disposed of one hour shall be given to the Committee on Claims?

The VICE-PRESIDENT. Is there objection to the request of the Senator from Pennsylvania?

Mr. EDMUNDS. Subject to conference reports and other things about appropriation bills.

Mr. SCOTT. Very well.

The VICE-PRESIDENT. The Chair hears no objection to giving the Committee on Naval Affairs fifteen minutes.

Mr. HITCHCOCK. Is it understood also that the Committee on the District of Columbia shall have half an hour?

Mr. EDMUNDS. No, sir.

Mr. HITCHCOCK. Then I ask for that.

The VICE-PRESIDENT. The Senator from Nebraska asks for half an hour for the Committee on the District of Columbia.

Mr. HITCHCOCK. We have bills that will not create debate which have passed the House already, that no one will have any objection to, and I ask that at least a few minutes be given to the Committee on the District of Columbia.

Mr. EDMUNDS. The District Committee has had its hour or half hour since the Judiciary Committee had. We have reported a considerable number of bills for gentlemen who are anxious to have their disabilities removed. There are a great many other bills. I think the best way will be to take the Calendar by unanimous consent, when we have any time, and consider the unobjected cases.

The VICE-PRESIDENT. The appropriation bill is before the Senate.

Mr. PRATT. I wish to make a single observation before the reading of the bill commences.

Mr. SARGENT. Is there any question before the Senate?

The VICE-PRESIDENT. The appropriation bill is before the Senate.

Mr. SARGENT. Let the Clerk report the pending amendment.

Mr. PRATT. I wish to make a single observation.

Mr. SARGENT. Let the amendment be reported, and then the Senator can make his observation.

Mr. PRATT. Very well.

The VICE-PRESIDENT. The pending amendment will be read.

AMENDMENT TO APPROPRIATION BILLS.

Mr. SPRAGUE and Mr. DAVIS submitted 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 referred to the Committee on Commerce.

Mr. STEWART and Mr. ANTHONY submitted amendments 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 were referred to the Committee on Appropriations.

Mr. ROBERTSON and Mr. HARVEY submitted amendments intended to be proposed to the deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of 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; the pending question being on the amendment reported by the Committee on Appropriations to insert the following proviso after line 333:

Provided, That the last clause of an act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes, approved March 3, 1873, amending an act to extend the laws of the United States relating to customs, commerce, and navigation in the territory ceded to the United States by Russia, to establish a collection district therein, and for other purposes, is hereby repealed.

Mr. SARGENT. The chairman of the Committee on the Judiciary, in whose judgment on all legal propositions I have great confidence, thinks this amendment ought not to be in the bill. The committee desire to withdraw the amendment.

The VICE-PRESIDENT. The amendment will be withdrawn.

Mr. PRATT. Now, Mr. President, I wish to make a single observation. The bills that I proposed to submit to the Senate this morning are bills that have passed the House of Representatives. They have been carefully considered by the Committee on Pensions of this body. They are highly meritorious. The class of persons that will be relieved have been aptly described by my friend from Maine. This is the only opportunity that we shall have for considering these bills. These people are scattered all the way from Maine to Nebraska, from the lakes to the Tennessee and to Arkansas and to North Carolina. I believe there is but a single beneficiary under these bills in my own State. It would be a very great hardship and misfortune if these bills should fail.

The VICE-PRESIDENT. The reading of the appropriation bill will be continued. The Chair will not receive any more propositions.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was to insert after line 385 the following:

To pay the interest on the 3.65 bonds issued under the act entitled "An act for the government of the District of Columbia, and for other purposes," $365,000; and the said bonds are hereby made payable, principal and interest, in gold. And the 3.65 registered bonds of the District of Columbia, authorized by act of Congress approved June 20, 1874, and February 20, 1875, in lieu of coupon bonds, may be issued in denominations of $1,000 and $5,000: *Provided*, That certificates for claims presented and allowed under the sixth section of the act aforesaid shall be presented for conversion, as provided by the seventh section of said act, within ninety days from the passage of this act, and, as to certificates of dates subsequent to the passage of this act, within ninety days from the date of such certificate; and if not so presented, the privilege of thus exchanging shall not be exercised by any holder of such claim; and the sinking fund commissioners of the District of Columbia are prohibited from issuing any bonds under the seventh section of the act hereinbefore referred to in exchange for any certificate unless presented within the time herein specified; and the salary of the commissioner of the sinking fund, acting as treasurer thereof, shall be $1,000 per annum.

Mr. SHERMAN. This change of the character of a bond or security of the United States in an appropriation bill it seems to me is a dangerous precedent, and I trust that for that reason alone the amendment will be modified. This provision changing the interest and the character of these bonds, in an appropriation bill at this hour of the session, it seems to me is totally unjustifiable. I do not want to consume much time about it, but I will do so if it be necessary. I move to strike out the words "and the said bonds are hereby made payable, principal and interest, in gold." That is to add really one-eighth or one-sixth to the whole burden of the obligation of the United States on these bonds.

Mr. BAYARD. I hope that amendment will prevail.

Mr. EDMUNDS. I am very glad the Senator from Ohio has made this motion. I had marked the printed bill at this point to make it myself. As it looks to me, it comes very near being an outrage to do this thing. I know the committee did not intend anything of the kind; but here certain people have been compelled to take these 3.65 bonds for their claims; they have been obliged to sell them; they have been shaved and they have gone into the hands of moneylenders; and now we have an arrangement by which these moneylenders will make more profit yet. If there is any necessity for having any part of this amendment, I hope the motion of the Senator from Ohio will be agreed to.

Mr. SARGENT. I am willing the matter shall go into the Senate. This part of the amendment was at the suggestion of one of the members of the committee who investigated this matter fully last year. I do not pretend to know much about it myself. I am willing to take the vote of the Senate. My impression is that the bonds are much less in value than it was alleged in the debate of last year that they would be.

Mr. BOUTWELL. The facts on which the value of the bonds was predicated have not changed and ought not to be changed by Congress.

Mr. BAYARD. If the motion to strike out is carried, I shall be satisfied; but I cannot allow the amendment to be acted on without debate unless that is done.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Ohio to the amendment of the committee.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question recurs on the amendment of the committee as amended.

Mr. SHERMAN. I have not had time to read the whole amendment carefully. I would like to have it passed over for a moment.

Mr. SARGENT. I have no objection.

The VICE-PRESIDENT. The amendments will be passed over for the present.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was to insert after line 411:

And section 4 of the act of Congress entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, be, and the same hereby is, amended by substituting the word June for March, so far as relates to the taxes imposed by said section 4 of said act of Congress: *Provided*, That the penalty of 1 per cent. per month shall be added to delinquent taxes until paid or until sale of the property under said act as hereby amended.

Mr. EDMUNDS. What is the effect of that.

Mr. SARGENT. By the present law these parties will be sold out I think this coming month. The Senator is aware, unquestionably, that by the tax of 3 per cent. and then 5 per cent. put on coming close together a great many of our people in the District will absolutely lose their property and cannot raise this money.

Mr. EDMUNDS. It extends the time for the payment instead of the levying of taxes.

Mr. SARGENT. Yes, sir.

Mr. EDMUNDS. All right.

The amendment was agreed to.

Mr. SHERMAN. I ask the Senate to go back to the amendment just passed here. That proviso is inconsistent with the act passed at the last session. We have provided by an act introduced by the Senator from Maine [Mr. HAMLIN] for the extension of the time for presenting these claims, which is the 1st of July. That bill has passed both Houses. This provision is inconsistent with it, and ought to be struck out.

Mr. HAMLIN. Is the Senator sure that that bill has passed the other House?

Mr. SARGENT. I wish the Senator would take more time about this.

Mr. SHERMAN. Very well.

The VICE-PRESIDENT. The amendment will be passed over.

The Chief Clerk resumed the reading of the bill. The next amendment of the Committee on Appropriations was in line 445 to reduce the appropriation "to enable the Joint Committee on the Library to purchase such works of art for ornamenting the Capitol as may be ordered and approved" from $15,000 to $10,000.

Mr. SARGENT. The committee withdraws that amendment.

The VICE-PRESIDENT. The amendment is withdrawn.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill. The next amendment of the Committee on Appropriations was in line 481, to reduce from $75,000 to $45,000 the appropriation for every purpose and object necessary for and incident to the continuation of the survey of the Atlantic and Gulf coasts of the United States.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was in line 516, to reduce from $13,600 to $10,000 the appropriation for rent of buildings numbered 211 South New Jersey avenue, and 215 South Capitol street, (except such small portions as are occupied for the preservation and preparation of standard weights and measures,) for offices, work-rooms, and work-shops in Washington.

The amendment was agreed to.

Mr. SARGENT. In the next clause, in line 517, after the word "building" the words "205 South New Jersey avenue" should be inserted to designate the building. I move that amendment.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was in line 530 to strike out "ten" and insert "eight;" so as to read:

For the transportation of instruments, maps, and charts, the purchase of new instruments, books, maps, and charts, and for gas and other miscellaneous expenses, $8,000.

The amendment was agreed to.

Mr. SARGENT. The amendments in the next four paragraphs cutting out those items were reported on account of the absence of a tax bill. I now desire to withdraw the amendments in those paragraphs.

The VICE-PRESIDENT. These amendments will be considered as withdrawn.

Mr. SHERMAN. My friend need not be troubled about that, because all the produce of the tax bills in my judgment will be consumed in bounties.

Mr. SARGENT. I dare say that may be; but the Coast Survey is a very important branch of the service and we hated very much to cripple it. We withdraw the amendments striking out from line 532 to line 548.

The VICE-PRESIDENT. Those amendments will be regarded as withdrawn.

The paragraph from line 549 to line 560 was read.

Mr. SARGENT. There are some verbal corrections in the paragraph. In line 553 I move to strike out "5" and to insert "15," and strike out "New Jersey avenue" and insert "Capitol street," so as to read "No. 215 South Capitol street."

The amendment was agreed to.

Mr. SARGENT. After the word "rooms," in line 554, I move to insert "in building No. 205 South New Jersey avenue."

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was in line 567 to reduce the appropriation for "seamen's wages, rations, repairs, salaries, supplies, and incidental expenses of twenty-three light-ships and eight relief light-vessels," from $230,000 to $217,732.

The amendment was agreed to.

The next amendment was in lines 577 and 578 to strike out "including rewards paid for information as to collisions, four" and insert "two;" so as to read:

For expenses of visiting and inspecting lights and other aids to navigation, $2,000.

Mr. EDMUNDS. Is the intention not to authorize any reward to be paid?

Mr. SARGENT. That is not the intention; but this is a new item in the bill, never in appropriation bills before. We do not see any particular necessity for putting it here.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill. The next amendment of the Committee on Appropriations was to strike out lines 608, 609, and 610, in the following words:

Steam-tender for fifth district: For building a new steam-tender for light-house service in the fifth light-house district, $50,000.

The amendment was agreed to.

The next amendment was to strike out lines 614, 615, and 616, as follows:

Steam-tender for seventh district: For building a small steamer for use in construction and repairs in the seventh light-house district, $50,000.

Mr. SARGENT. I am satisfied that that amendment ought not to be adopted. There are three steamers provided for in the House bill, all of which we struck out; but on investigation into the seventh district I think they need it, because they are constructing an iron light-house on the Florida reef, about one hundred and twenty-five feet high, and they require this steamer to run off and back. Therefore the committee withdraw the amendment.

The VICE-PRESIDENT. The amendment is withdrawn.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out lines 677, 678, and 679 in the following words:

Steam-tender for Pacific coast: For building a steam-tender for light-house service on the Pacific coast, $100,000.

And in lieu thereof to insert—

For steam fog-signal for Yerba Buena, California, $5,000.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was to strike out from line 841 down to and including line 848, as follows:

To enable and authorize the Department of Justice to aid the Commissioner of the General Land Office to recover certain lands and the rents and profits thereof, known as the Rancho Panoche Grande, in California, as provided in the resolution passed by the House of Representatives on the 26th of January, 1875, $5,000, or so much as may be necessary therefor.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was in line 875, to strike out "fifty" and insert "forty;" so as to read:

For surveying the public lands in Montana Territory, at rates not exceeding fifteen dollars per linear mile for standard lines, twelve dollars for township, and ten dollars for section lines, $40,000.

The amendment was agreed to.

The next amendment was in line 897, to strike out "forty" and insert "thirty;" so as to read:

For surveying the public lands in New Mexico Territory, at rates not exceeding fifteen dollars per linear mile for standard lines, twelve dollars for township, and ten dollars for section lines, $30,000.

The amendment was agreed to.

The next amendment was to insert after line 940:

That so much of the act entitled "An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1871, and for other purposes," approved July 15, 1870, as requires the payment by the Northern Pacific Railroad Company of the cost of surveying and conveying the lands granted said company, be, and the same is hereby, repealed, and no cost for surveying shall be collected from said company.

Mr. DAVIS. I should like to have the attention of the Senate to this amendment. I was unable to agree with the amendment of the committee. The amendment, as the Senate will see, repeals certain sections of the law now in force which require the Northern Pacific Railroad Company to pay their portion for the surveys of the public lands along their line. I was unable to agree with the committee upon this amendment, and do not think it ought to be adopted.

Mr. SARGENT. Only a word of explanation. The attorney for the Northern Pacific Railroad Company appeared before the committee and he showed us that a requisition which was put in an appropriation bill two years ago, requiring as a preliminary to the patents for the company that the company should pay for the surveys, was a violation of the original charter we granted to the company. That is clearly demonstrated by a citation of the statutes. At any rate it was so in the opinion of the committee. He asked on behalf of the company that this prerequisite, which prevents their getting their lands for the amount of road which they have really built, be repealed. The committee, after hearing him, thought that this provision of the former appropriation bill should be repealed, because it is a violation, as they understood it, of a legislative contract. That is all there is about it, and I would like to have the Senate pass upon the question without too much debate on the proposition.

Mr. PRATT. This same question was considered by the Senate at the last session, and this provision of the appropriation bill of 1871 was repealed. At that time the charter and the amendment to the charter of the Northern Pacific Railroad Company were submitted to the Senate; and it was clearly shown that the company was entitled to receive a patent for these lands as it progressed with the work, which contemplated, of course, that the Government should survey them; because otherwise how could the Government convey them by patent to the company?

Mr. BAYARD. At this session of Congress there has been a proposition to aid in the construction of the Southern Pacific Railroad, and Congress has denied it; and now having denied that aid—and I for one was not in favor of the extension of the aid—I do not think it just or right that a company which has received already a perfect empire in the way of territory should be exempted from the ordinary fees of surveying. The lavish generosity, in my opinion the criminal generosity—to use the word generosity in connection with such an adjective—to the Northern Pacific Railroad ought not to be pursued any further. There is no reason why with the lavish grants of land to this company they should be subject to the present provisions of law; and I hope the amendment will not be agreed to. I understand the cost of these fees will be something like a million dollars.

Mr. SPRAGUE. The empire referred to by the Senator from Delaware is perfectly useless to this company with this provision. They have not the means to pay for the surveys. The original act, the charter granting them their franchise, and acts granting the franchises of the other Pacific railroads exempted them from the cost of survey. Subsequent legislation upon an appropriation bill obtained under the spur of a momentary excitement repudiated or set aside this pro-

vision of the original law. The law in this case, as has been reported upon by one of your committees, states explicitly that this company should be relieved of that cost. I care nothing about it, but that is your law.

Mr. DAVIS. I do not want to take up the time in discussing this matter, for we have very little time; but if the law now exempts this company from paying these fees there is no use in this amendment. I hope, therefore, the Senate will not agree with the committee.

Mr. SARGENT. Let us have the question.

The VICE-PRESIDENT. The question is on the amendment reported by the Committee on Appropriations.

The amendment was rejected.

The next amendment of the Committee on Appropriations was to strike out from line 950 to 979, as follows:

For the survey of Indian reservations and subdividing portions of the same, $191,820: *Provided*, That the sum of $100,000 thereof, or so much thereof as may be necessary, be applicable to the payment of such surveys executed prior to the end of the fiscal year ending June 30, 1875.

For surveying confirmed private land claims in California at legal rates, including necessary office expenses, $20,000.

For surveying confirmed private land claims in Colorado Territory, at a rate not exceeding fifteen dollars per linear mile, $10,000.

For surveying confirmed private land claims in New Mexico, at a rate not exceeding fifteen dollars per linear mile, $10,000: *Provided*, That the provisions of the third section of the act entitled "An act to reduce the expenses of the survey of the public lands in the United States," approved May 30, 1862, requiring that the cost of survey and platting shall be paid by the claimant for any private land claim before a patent therefor shall be issued, be, and the same is hereby, repealed.

For survey of the boundary between New Mexico and Arizona, being so much of the thirty-second meridian west from the Washington observatory as lies between the parallels of thirty-one degrees and twenty minutes and thirty-seven degrees of north latitude, at a rate not exceeding seventy dollars per linear mile, $27,370.

The amendment was agreed to.

The Secretary continued the reading of the bill. The next amendment was in line 989, to strike out "fifteen" and insert "thirteen;" so as to read:

For expenses of depositing moneys received from sales of public lands, $13,000.

The amendment was agreed to.

The next amendment was to strike out lines 990 and 991, as follows:

To meet the expenses of suppressing depredations upon the timber on the public lands, $5,000.

Mr. SARGENT. There is a little doubt about that, but it is the annual appropriation. Thinking we might have very little money coming in we struck it out, but I will withdraw the amendment, if there is no objection.

Mr. EDMUNDS. I hope the appropriation will be made, for you will save three times the amount in saving live-oak in the South.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. EDMUNDS. The question should be put and the amendment disagreed to, so as to make the Journal right.

The amendment was rejected.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was to insert after the appropriation for improvement of the Capitol grounds, clause in line 999, the following:

Which sum shall be available from the passage of this act. And the telegraph companies having offices in the Capitol are directed to take from the Capitol grounds and the streets around the same all telegraph polls, and connect these lines with the Capitol by means of cables laid under ground; and, further, that the Washington and Georgetown and the Metropolitan Railway Companies are directed to take up such portions of their tracks as may come in the way of the improvement of the Capitol grounds and relay the same as may be directed by the officers in charge of the improvements of the Capitol grounds. And the Architect of the Capitol is hereby directed to move from the Capitol grounds all stables, workshops, and other buildings which may be in the way of the improvements of said grounds.

Mr. SARGENT. In the haste of getting this bill to the printer I find some verbal errors. The House say "of which sum $50,000 shall be immediately available," while the Senate committee intended to recommend that the whole sum should be available from the passage of this act. In order to carry out that purpose, I move to strike out in lines 998 and 999 the words "of which sum $50,000 shall be immediately available," and then in the language of the committee to say:

Which sum shall be available from the passage of this act.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was to insert after line 1013:

For stable for mail-wagons, &c., for Senate, to be erected on lot at the north of the Capitol, recently purchased by the United States, $10,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to insert after line 1016:

For repairing steam-boilers and for steam-traps for Senate wing, $3,500.

The amendment was agreed to.

The Secretary continued the reading of the bill.

The next amendment was to strike out from line 1060 to 1071 the following words:

By the cities of Washington and Georgetown, and the county of Washington, beyond the limits of said cities, in the District of Columbia, in the proportion corresponding to the number of privates allotted severally to said precincts; and the corporate authorities of said cities and proper authorities of the District of Columbia are hereby authorized and required to levy a special tax, not exceeding ½ of 1 per cent., which shall be specially deposited once in each week, as such collections are made, to be appropriated and expended for said purpose only, for the service of the fiscal year ending June 30, 1876.

And in lieu thereof to insert:

Out of the treasury of the District of Columbia: *Provided*, That the duties devolved and the authority conferred upon the board of Metropolitan police by law, for police purposes in said District shall extend to and include all public squares or places; and said board are hereby authorized and required to make appropriate rules and regulations in relation thereto.

So as to make the clause read:

Provided, That a further sum amounting to $102,635 shall concurrently be paid to defray the expenses of the said Metropolitan police force, out of the treasury of the District of Columbia: *Provided*, That the duties devolved and the authority conferred upon the board of Metropolitan police by law, for police purposes in said District shall extend to and include all public squares or places; and said board are hereby authorized and required to make appropriate rules and regulations in relation thereto.

The amendment was agreed to.

The next amendment was to strike out from lines 1078 to 1085, as follows:

To enable the proper accounting officers to settle the accounts of Binger Herman, late receiver of public moneys at Roseburgh, Oregon, the sum of $545.77 is hereby appropriated, of which the sum of $116.53 only may be repaid from the Treasury as balance due him for overpayment on account of sales of public lands.

The amendment was agreed to.

The next amendment was to insert after line 1102:

For the extention of the building for the Government Hospital for the Insane, $125,000.

Mr. SHERMAN. I ask the Senator from California what is the necessity for that large sum?

Mr. SARGENT. The Government Hospital for the Insane takes care of the insane of the Army and Navy and of the indigent insane of the District of Columbia. There are accommodations for somewhat over five hundred patients. They have over seven hundred patients, and the number constantly increases. The corridors and all the wards are full and even the floors, so that a person going around at night is in danger of stepping on persons on the floors. They are liable to hospital diseases, which of course, being in so crowded a building, would have a very frightful effect. Dr. Nichols, who is a very careful physician, who has charge of this institution, narrated these facts to the committee, and we thought that the only appropriate remedy was to authorize this extension. The extension will cost $375,000, of which we propose to give one-third only during the next fiscal year. I think these reasons are strong enough to justify the action of the committee. I trust the Senator will not object.

Mr. SHERMAN. I wish to state that in my deliberate judgment this appropriation bill has not been reduced sufficiently in view of the condition in which we are now placed, and that these additional appropriations for public buildings ought not to be made. I am not going to contest the matter, but I state the fact to the Senate. Here is the commencement of a building which is to cost $375,000 which I think can be just as well postponed.

Mr. MORRILL, of Maine. I desire to say one word. This Committee on Appropriations have been as reluctant as any committee possibly could be to increase the appropriations in any direction whatever, either for public buildings or for any other purpose; but from a careful examination of this question as presented by the superintendent of the institution, a most estimable gentleman as everybody knows, and upon the recommendation of the Interior Department, the committee came to the conclusion that it was a matter of necessity to make this appropriation. The capacity of the institution at the present time is between five and six hundred persons. There are some fifty or sixty persons there more than there are reasonable accommodations for. There are some fifty or sixty persons who are now quartered in the corridors or crowded into rooms in a most inconvenient and uncomfortable way.

I think it cannot be doubted that this question presents us with one of absolute necessity so far as the accommodations of the institution are concerned. It is conducted in the most economical and proper way. To postpone this another year is simply to postpone it under circumstances which I think would be very unfriendly to the institution. I wish to say further as an additional reason why this should be done that by a recent act of Congress we have ordered all the insane sailors in addition to the Government officers in all directions in the service of the country to be sent to this institution.

Mr. SPRAGUE. I desire to call the attention of the Senate to the alarming fact which this appropriation indicates—the increase of insanity. These are but straws that indicate the underlying condition. There were in New York City seven hundred cases of manifestations of this disease during the past year.

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

The amendment was agreed to; there being on a division—ayes 33, noes 8.

POST-OFFICE APPROPRIATION BILL.

Mr. WEST. I ask the Senator in charge of this bill to yield to me to make a conference report.

Mr. SARGENT. Certainly.

Mr. WEST. I submit a report which I ask to have read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from their amendments numbered 5, 11, 12, 14, 15, and 16.

That the House recede from their disagreements to the amendments numbered 1 and 18.

That the House recede from their disagreements to the amendments numbered 7, 8, 9, and 10, and agree to the same with an amendment as follows: Insert in lieu of the words proposed to be stricken out by amendment numbered 8 the word "not," and strike out the word proposed to be inserted; and in lieu of the word "Baltimore" in said amendment insert "Washington;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the seventeenth amendment of the Senate, and agree to the same with an amendment as follows: Strike out the word "written" where it first occurs in the House amendment, and strike out the proviso from the same; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the nineteenth amendment of the Senate, and agree to the same modified by striking out the word "garden;" and the House agree to the same.

J. R. WEST,
T. W. FERRY,
H. G. DAVIS,
Managers on the part of the Senate.

JAS. M. TYNER,
J. B. PACKER,
JOHN HANCOCK,
Managers on the part of the House.

Mr. SAULSBURY. I should like some member of the conference committee to explain the report.

Mr. WEST. What point does the Senator desire explanation upon?

Mr. SAULSBURY. I do not know what the amendments are.

Mr. WEST. It is the report on the post-office appropriation bill. There is a Senator near the Senator from Delaware who can give him any explanation he may require.

Mr. DAVIS. Substantially as the Senate passed the bill it now returns from the conference committee. There are some verbal changes, but it is substantially as the Senate agreed to the bill.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 523) to remove the political disabilities of Thomas M. Jones, of Virginia.

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

A resolution for the printing of Henry W. Elliott's report on the seal islands of Alaska, with illustrations; and

A resolution for the printing of additional copies of the report of Professor Spencer F. Baird, Commissioner of Fish and Fisheries, with the accompanying documents.

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. 3912) to reduce and fix the Adjutant-General's Department of the Army; and

A bill (H. R. No. 4829) for the relief of Willow Springs Distilling Company of Omaha, Nebraska.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I will take advantage of this opportunity to make some reports, if there be no objection. ["Go on."]

The VICE-PRESIDENT. The Chair hears no objection.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 4753) removing the political disabilities of O. R. Singleton, of Mississippi, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 4559) to remove the political disabilities of George S. Hawkins, of Florida, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1280) to remove the political disabilities of S. D. Lee, of Mississippi, reported it with an amendment.

He also, from the same committee, to whom were referred the following bills, asked to be discharged from their further consideration; which was agreed to:

A bill (S. No. 57) to remove all political disabilities;

A bill (S. No. 1235) to remove the disabilities of R. H. Logan, of Roanoke county, Virginia;

A bill (S. No. 1148) to remove the political disabilities of James E. Slaughter, of Alabama;

A bill (S. No. 1151) to remove the political disabilities of D. B. Conrad, of Virginia;

A bill (S. No. 1155) removing the political disabilities of W. E. Wysham;

A bill (H. R. No. 3780) to remove the political disabilities of Robert Tansill, of Prince William County, and Marcellus P. Christian, of Lynchburgh, Virginia;

A bill (H. R. No. 4675) to relieve Isaac N. Brown of his political disabilities;

A bill (H. R. No. 2652) relieving the legal and political disabilities of John J. Guthrie;

A bill (H. R. No. 3520) to remove the political disabilities of General George E. Pickett and Dr. Charles H. Williamson, of Virginia; Thomas Hardeman, jr., and James Jackson, of Georgia; and John H. Reagan, of Texas;

A bill (H. R. No. 3607) for the removal of the political disabilities of George S. Shryock, of Saint Louis, in the State of Missouri;

A bill (H. R. No. 4561) to relieve Thomas Boyd Edelin, of Prince George's County, Maryland, of all political disabilities; and

A bill (H. R. No. 3221) to relieve Raphael Semmes, of Alabama, of political disabilities.

Mr. EDMUNDS. In these cases we report adversely because there were no petitions, and because in several of the instances the officers were dismissed from the Army instead of having their resignations accepted. As to the case of Raphael Semmes of the Alabama, being House bill No. 3221, we report adversely not because the Kearsarge sunk his ship, but because it appears from testimony before the court of commissioners of Alabama claims (which may turn out to be explainable, and we hope it may) that this person was guilty of some cruel conduct to some American seamen in the Indian Ocean or somewhere; and until that is explained satisfactorily it is out of the question to remove his disabilities.

Mr. WADLEIGH, from the Committee on Patents, to whom was referred the petition of Annie C. Grant, praying for the passage of an act to allow the Commissioner of Patents to sign the certificate of the extension of letters-patent granted to her husband, deceased, on the 29th day of May, 1866, submitted a report thereon accompanied by a bill (S. No. 1362) to authorize the Commissioner of Patents to sign the certificate of extension of letters-patent No. 28,470, granted to Frederick F. Grant May 29, 1860, upon a sliver-machine: which was read and passed to a second reading.

WITHDRAWAL OF PAPERS.

On motion of Mr. HAMLIN, it was

Ordered, That Levi Washington have leave to withdraw his petition and papers from the files of the Senate.

On motion of Mr. CRAGIN, it was

Ordered, That Walter Cable have leave to withdraw from the files of the Senate his petition and papers.

On motion of Mr. PRATT, it was

Ordered, That Francisco Quesada be allowed to withdraw his papers from the files of the Senate.

On motion of Mr. JOHNSTON, it was

Ordered, That Harvey Lull have leave to withdraw his memorial and accompanying papers from the files of the Senate.

On motion of Mr. WRIGHT, it was

Ordered, That the heirs of Brigadier-General B. S. Roberts have leave to withdraw from the files of the Senate his petition and papers, copies to be left with the Secretary.

PETITIONS AND MEMORIALS.

Mr. ALCORN presented the memorial of Samuel W. Lancaster, of Madison County, Mississippi, praying compensation for certain property taken and used by the United States troops during the late war, or that his claim be referred to the Court of Claims for adjudication; which was referred to the Committee on Claims.

He also presented the memorial of Consider Parish, of Hinds County, Mississippi, praying compensation for certain cotton and other property taken by the United States authorities during the late war, or that his claim be referred to the Court of Claims for adjudication; which was referred to the Committee on Claims.

He also presented the memorial of William H. Whitefield, a British subject, formerly residing near Fort Smith, Arkansas, praying compensation for certain property taken from him by the United States authorities during the late war, or that his claim be referred to the Court of Claims for adjudication; which was referred to the Committee on Claims.

He also presented the memorial of Nelson Potter, praying compensation for certain property taken and used by the United States authorities during the late war; which was referred to the Committee on Claims.

Mr. RAMSEY presented a letter of C. F. Macdonald, superintendent of the money-order office of the Post-Office Department, addressed to the chairman of the Committee on Post-Offices and Post-Roads of the Senate, touching the operation and cost of the money-order system; which was ordered to lie on the table and be printed.

SUNDRY CIVIL APPROPRIATION BILL.

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

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was to strike out the following clause from lines 1106 to 1112:

For the purpose of paying the State lunatic asylum for insane convicts at Auburn, New York, for the keeping of George Sheppard and James Blowers, United States convicts, who became insane while undergoing sentence, and who were kept and maintained in said asylum after their term of sentence had expired, the sum of $5,009.46.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to insert after line 1127:

To complete the purchase of the ground around Columbia Hospital, $25,000; which shall be available immediately.

The amendment was agreed to.

The next amendment was to insert after line 1151:

For the National Association for the Relief of the Colored Women and Children of the District of Columbia, $10,000.

The amendment was agreed to.

The reading of the bill was continued to line 1171, on page 48.

Mr. LOGAN. I desire to move an amendment to the third paragraph in the items for Rock Island arsenal on page 48. I will not detain the Senate, but I have a letter from the Secretary of War recommending it.

Mr. SARGENT. Will the Senator send up his amendment?

Mr. LOGAN. It is that $150,000 of the appropriation shall take effect immediately after the passage of the act. My amendment is to come in after line 1171.

Mr. SARGENT. But the amount of that line is only $18,500.

Mr. LOGAN. But I mean it to apply to the three items.

Mr. EDMUNDS. Let us go through with the committee's amendments.

Mr. SARGENT. Let the Senator put it in writing and bring it up by and by.

Mr. LOGAN. All the three items belong to the work of the arsenal.

Mr. SARGENT. I hope the Senator will prepare the amendment.

Mr. LOGAN. I have it ready.

The Chief Clerk resumed the reading of the bill. The next amendment of the Committee on Appropriations was to strike out from the items for Benicia arsenal, California, line 1215, as follows:

For grading grounds, $3,000.

The amendment was agreed to.

The next amendment was to strike out lines 1222 and 1223, as follows:

To enable the Secretary of War to purchase Gatling guns for the Army and Navy, $50,000.

Mr. CRAGIN. I hope the amendment will not be adopted.

Mr. FERRY, of Connecticut. I understand the committee do not desire to have that amendment carried.

Mr. SARGENT. The purpose of the amendment is not to reflect on the Gatling gun, which I suppose is a very good article; but it is reported on account of the condition of the Treasury and the fact that we have not a very lovely prospect by the statement of the chairman of the Committee on Finance of getting any money from the tax bill and at the time this bill was considered in the committee there was not hope even of passing that bill. From motives of economy we struck out this item, thinking there was no immediate prospect of a war requiring the Navy to use this gun during the fiscal year and that we could wait a year before buying more of these guns. That was the reason.

Mr. CRAGIN. This is used both by the Army and Navy.

Mr. SARGENT. I am aware of that.

Mr. CRAGIN. It is a very valuable arm, an American invention, and foreign nations are adopting it everywhere. I think our Government ought to avail itself of it.

Mr. MORTON. It seems to me the appropriation ought not to be stricken out.

Mr. SARGENT. I am willing to submit it to the Senate.

Mr. EATON. I hope the clause will not be stricken out.

The amendment was rejected; there being, on a division—ayes 19, noes 21.

The reading of the bill was continued. The next amendment was after "necessary," in line 1292, to strike out the words "not to exceed $30,000 in all;" so as to read:

Provided, That the Secretary of War be, and he is hereby, authorized to pay the expenses of operating and keeping in repair the said telegraph lines out of any money received for dispatches sent over said lines; any balance remaining after the payment of such expenses to be covered into the Treasury as a miscellaneous receipt; the money received in any one fiscal year to be used only in payment for the expenses of that year. And a full report of the receipts and expenditures in connection with the said telegraph lines shall be made quarterly to the Secretary of War through the Chief Signal Officer. And the Chief Signal Officer shall have the charge and control of said lines of telegraph in the construction, repair, and operation of the same. And so much of this appropriation as may be necessary shall be used in constructing a telegraph line from Fort Marcy to Fort Bayard, in New Mexico, and from Fort Bayard to Camp Grant, in Arizona: *Provided*, That no money hereby appropriated or any unexpended balance of former appropriations for the erection of military telegraph lines shall be expended upon any line that cannot be completed by such appropriations herein or already made.

The amendment was agreed to.

The next amendment was in line 1307, to strike out "sixty" and insert "twenty-five;" so as to read:

For geographical surveys of the Territories west of the one hundredth meridian, $25,000.

The amendment was agreed to.

The next amendment was to strike out line 1312 down to and including line 1322, as follows:

For head-boards or head-stones at the soldiers' graves in Woodlawn Cemetery, at Elmira, New York, and for care of said graves, $5,000, or so much thereof as may be necessary. And all that part of Woodlawn Cemetery lying north of Sycamore avenue (upon filing in the War Department the consent of the common council of the city of Elmira) is hereby declared a national cemetery; and the head-boards at the graves of confederate prisoners shall be renewed as they decay; and the expense thereof shall be defrayed from the annual appropriations for national cemeteries.

Mr. CONKLING. I wish the Senator from California would state why the committee propose to strike that clause out of the bill.

Mr. SARGENT. I will ask the Senator a question. Is this a national cemetery?

Mr. CONKLING. I have in my hand a statement in regard to it, but in one word I will answer the Senator's question so far as I can. At Elmira was a prison-camp in which a large number of prisoners of war captured from the other side were detained. Those who died were buried there, the city of Elmira giving for nothing the land in which they were interred, it being a cemetery in which all others paid for lots. Head-stones were put at the graves of these dead prisoners of war. Those head-stones as I imperfectly called them, for I believe they were boards, have decayed, and this portion of that cemetery is not only unsightly but a distressing spot. Those who gave the land in which the interments took place think that the Government should re-erect these head-stones and that the city of Elmira should not be called upon, after having given the ground, to re-erect them.

The Senate will see that the case is exceptional. The graves are those of confederate dead and of men who died while in our custody as captives of war. I am not making an argument; but at the request of my colleague in the other House who represents that district and who has given me a more particular statement, with which I do not detain the Senate, I feel bound to bring the facts to the notice of the Senate.

Mr. SHERMAN. As this is the first of numerous cases likely to be brought to the attention of the Senate, I wish to read the law on the subject that Senators may see whether under the circumstances the provision ought to pass. A similar bill from Pennsylvania was brought here and referred to the Committee on Military Affairs and was not reported by that committee. Perhaps I am not at liberty to say more than that the Military Committee after examining it has not reported it, and it still stands in that condition. But this case from New York presents the same question the Pennsylvania case did, and now I wish to state the objections to entering on this system of adding to the national cemeteries.

Mr. CONKLING. Will the Senator let me interrupt him? I find that I made a misstatement about this case, in answer to the Senator from California. I observe by the memorandum of my colleague this, to which I ask attention:

By act of the last session this was made a national cemetery for the erection of head-stones at the soldiers' graves, and proper care thereof, but it turns out that under the law as it stands no head-stones can be erected. The graves are confederate graves.

Mr. SHERMAN. I will refer the Senate to the law which governs the national cemeteries and they will see whether it is wise or not to extend this system to the cases I will mention. The first law for the establishment of national cemeteries was in an appropriation bill in 1866, and is as follows:

To establish national cemeteries and purchase sites for the same at such points as the President of the United States may deem proper, and for the care of the same, $50,000.

At the following session, while this appropriation was being expended, an act was passed on the 22d of February, 1867, "to establish and protect national cemeteries," which declares:

That in the arrangement of the national cemeteries established for the burial of deceased soldiers and sailors, the Secretary of War is hereby directed to have the same inclosed with a good and substantial stone or iron fence; and to cause each grave to be marked with a small head-stone, or block, with the number of the grave inscribed thereon, corresponding with the number opposite to the name of the party in a register of burials to be kept at each cemetery and at the office of the Quartermaster-General, which shall set forth the name, rank, company, regiment, and date of death of the officer or soldier; or, if unknown, it shall be so recorded.

Section 2 provides:

That the Secretary of War is hereby directed to cause to be erected at the principal entrance of each of the national cemeteries aforesaid a suitable building to be occupied as a porter's lodge; and it shall be his duty to appoint a meritorious and trustworthy superintendent, who shall be selected from enlisted men of the Army, disabled in service, and who shall have the pay and allowances of an ordnance sergeant, to reside therein, for the purpose of guarding and protecting the cemetery and giving information to parties visiting the same. The Secretary of War shall detail some officer of the Army, not under the rank of major, to visit annually all of said cemeteries, and to inspect and report to him the condition of the same, and the amount of money necessary to protect them, to sod the graves, gravel and grade the walks and avenues, and to keep the grounds in complete order; and the said Secretary shall transmit the said report to Congress at the commencement of each session, together with an estimate of the appropriation necessary for that purpose.

Then the third section goes on and protects all these national cemeteries by extending over them the jurisdiction of the United States, requiring punishment in the proper courts of the United States for any mutilation of these head-stones or any trespass on the grounds. It extends over them for that purpose the jurisdiction of the United States. I will say to my honorable friend from New York that under this authority there were a few cemeteries established in the United States in places where great numbers of Union dead soldiers were buried, like the one across the river near here. I do not know the number of cemeteries in all; perhaps my friend from California can tell; but at any rate quite a number have been established to carry out this law. Whenever you add to the number of national cemeteries, you have to provide for marble head-stones at a pretty large cost, to be renewed from time to time; you have to provide for sodding the ground, fencing the ground, building a porter's lodge, station-

ing at each one of these cemeteries a sergeant to guard them, and you require a major to go every year and inspect them and an annual appropriation is to be made for them, and you extend over them the jurisdiction of the United States both civil and criminal.

Is it wise for us to enter upon this? In the State of Ohio we have at least six just such cemeteries, only much larger than the one described in the bill at Elmira. For instance, we have one at Johnson's Island, where the confederate prisoners were kept. We have one in Cincinnati, one in Columbus, one at Camp Dennison. Indeed, we have at least ten places where soldiers are buried, but they are not national cemeteries. There is not a town in the State of Ohio of ten thousand inhabitants where a certain portion of the public ground in the cemetery has not been set apart for soldiers' graves, and in many cases expensive monuments have been erected over them and the people of the locality take pride in preserving and caring for these monuments and cemeteries for national soldiers. Now, if you establish the precedent in this case in New York you cannot refuse to extend it elsewhere.

I beg the Senate to pause now before they establish this precedent. I should like, as a matter of course, to pay due honor to the dead buried in this cemetery in New York and so in the case in Pennsylvania; but if you once establish the principle, you ought to adopt it as a general rule, to be applied to at least five hundred or a thousand places in the United States. Will you adopt a general law extending over these grounds the jurisdiction of the United States, the requirement to fence them, to build a house at each, to put a sergeant at each to guard it? I do not think you have as many sergeants in the Army of the kind named in the law as would be required to take care of all the cemeteries covered by such a provision. Then you have to send a major to inspect them, you will make annual appropriations for them, and so extend the system further than was contemplated originally.

I hope that the dead who are now buried in their honored graves will not be allowed to be made the pretext for a bad and dangerous example of trenching upon the rights of the living.

Mr. CONKLING. Mr. President, I am aware of the force of the Senator's remarks and I am not insensible to the fact that he discharges a duty which it is not altogether pleasant to discharge in making this objection, and yet I venture to say that the Senator somewhat misconceives the force of these words and attributes to them an effect which they cannot have; and I think I can show the Senator now, since looking at the facts and at the law, that the case does stand upon exceptional ground. I ask the Senator first to hear me read a statute passed at the last session of Congress:

It is hereby declared that the northern part of Woodlawn Cemetery, in the city of Elmira, in the State of New York, occupied by soldiers' graves, shall be deemed a national cemetery so far only that the head-stones of said soldiers' graves shall be renewed and maintained and the graves cared for under the provisions of law applicable to national cemeteries.

I think I am not mistaken in supposing that it is too late for us to say that the four acres of ground in question, gratuitously given by the city of Elmira for the interment of confederate dead, is not in this regard a national cemetery. It is, I submit, by law which has already passed beyond our reach. These men died and were interred far from home, far beyond the reach of their friends. They could be cared for only as they were, being captives of the Government at the time. Woodlawn Cemetery, which is a beautiful spot, was, north of a certain avenue, made over, as I repeat again, gratuitously for this purpose. The head-stones were perishable in character; they were made of wood. They have in truth decayed, and an act of Congress has declared that they shall be restored. Now what is the question before us? First having accepted the gift of this ground for this purpose, having said by law that it should be maintained as a national cemetery and not turned into an unsightly and disagreeable blemish in the city of Elmira, nor plowed over, nor desecrated, it turns out that there is a technical difficulty in the way of executing the law. To remedy that technical difficulty these words were put in the bill.

Mr. SHERMAN. The technical difficulty to which the Senator refers is just the one I am commenting on; that is a limited extension of the law as to national cemeteries only for the purpose of erecting the head-stones. But this amendment makes it a national cemetery for all purposes.

Mr. CONKLING. Then I suggest to my friend that he ought to amend the clause so as to restrict it, and not vote it down altogether.

Mr. SHERMAN. The only object of this provision here is to change that law and make it a national cemetery not in the restricted sense of that law authorizing head-stones to be erected, but to make it a national cemetery in the full volume that I have already read. That is, a sergeant must be there and the graves must be sodded and fenced——

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The time of both Senators is exhausted.

Mr. SARGENT. I desire to say but a single word. The dead soldiers of the late war are scattered in all the cemeteries and grave-yards of the nation. There is no spot in any grave-yard of the North as old as the commencement of the rebellion where do not lie the bodies of those who fell in that struggle or died from diseases contracted in it. All our towns have some spot which they hold hallowed on account of these precious ashes reposing in them. There are, however, some great collections of bodies made by the Government of the United States in national cemeteries, originally so-called, which the Government walls about very durably at large expense. To the graves of the soldiers therein buried it has put stone monuments in place of the wooden ones which were erected to mark the graves when the burials were first made; and in order that there might be no desecration of those graves, and that the large and precious deposit made there might be preserved from depredations or sacrilege, a person is kept in charge at very large expense, the expense being warranted on account of the size of the cemeteries and the very large number of persons buried in them.

Now comes year by year a pressure to get town grave-yards declared national cemeteries because within them lie graves of men who died in a most honorable cause, and precious deposits they are where they lie; but the Government cannot afford to make national cemeteries of all these grave-yards or of the portions of them which contain the remains of soldiers. If that were done, the cost of the national cemeteries would be most disproportionate. It would be very much better, if it is necessary for the Government to become the custodian of these honored dead, that they should be taken up and removed to some central place, where the service of the person in charge would be commensurate with the duty he performs and the trust in his hands. But to provide in the various localities everywhere for keeping up national cemeteries, with all the expense that is paid for the Arlington Cemetery or these other great institutions which we have found it necessary to create, is simply to involve the Treasury in enormous expense.

If this were a single proposition only, I might perhaps not be so earnest; or had I been persuaded by the appeal from the town of York, in Pennsylvania, and if that were not to be followed next year by one from Chicago, and the next year by one from Newburyport, Massachusetts, and perhaps the next year by one from Sacramento, California, and I know not to what extent—perhaps from as many places almost as there are names of post-offices in the Post-Office Gazette—if there was not danger of our entering upon an expenditure of that kind I might yield. If this were the only instance, I might not so strenuously oppose it; but I do strenuously oppose it, because if we make this appropriation it will be entering on an inclined plane which carries us farther and farther from economy in this particular. If we ought to take care of these dead, let us exhume them tenderly and with care and put them in our large cemeteries, where we have large areas unoccupied, where we have a corps of officers to take charge of them; but we cannot afford to take every little grave-yard in the country and make it a national cemetery, put a lodge there, erect walls there, have a sergeant in charge, have it visited every year by a major, with all the enormous expenses of beautifying the graves and making green-houses for flowers and shrubs and beautifying the grounds, because the expenditure would be beyond anything the Treasury could bear.

Mr. LOGAN. I wish the attention of the Senator having charge of the bill, as I have to leave the Chamber to go to a committee of conference. On page 57, in the clause from lines 1381 to 1388, I desire to offer an amendment. An amendment of the Senate committee proposes to strike out that clause.

Mr. SARGENT. The Senator desires to non-concur.

Mr. LOGAN. Yes, sir.

Mr. SARGENT. I have no objection to withdrawing that amendment if the Senate will consent to our doing so.

Mr. LOGAN. Very well. Then on page 71 I wish to offer an amendment, and inasmuch as I have to go now to a committee of conference I ask to have the amendment as to the Chicago custom-house building on that page passed over until I return.

Mr. SARGENT. Unless the House appropriation is restored. In that event the Senator does not desire to have it passed over.

Mr. LOGAN. There is another matter there besides the amendment, and that is changing the structure of the building. I merely wish to have it passed over until I return.

Mr. SARGENT. That will depend on whether we get through the bill or not before then.

Mr. CONKLING. The amendment of the committee is to strike out the words from line 1312 to line 1322. I wish to perfect them before they are stricken out, and therefore I move to strike out lines 1319 to 1322 and to insert in lieu of those words these:

In so far only as declared by the act of June 23, 1874, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes."

The Senate will see if this amendment prevail that it obviates the objection insisted by both the Senators who favor removing the provision altogether from the bill. They speak of lodges, of hot-houses, of sergeants, and so on. The Senator will see that with this amendment the only effect will be to carry out the law as it stands now, which is to renew these head-stones.

I ask the Senate to allow me to make only one further remark, and to it I ask the attention of my friend from California. He says this will bring in a brood of other cases. If he is right in that, the objection is a grave one, and I beg the Senator to remark that that cannot be, and for this reason: This was a confederate prison, a large number of confederate soldiers being confined there, so many that I think four thousand is the number of those dead. Now surely the Senator cannot say that the case in York, Pennsylvania, and the other

cases to which he has referred are such cases. I am not at this moment insisting that this is more meritorious by the distinction I make; I am only insisting that it is not to stand at the head of a row of precedents upon similar facts. These men were far distant from home, captives, interred there. Does the Senator know of any such case in a northern State?

The Senator says these sacred deposits could be tenderly taken up and transferred to national cemeteries. So they could, but the Senator knows better than I do that the expense would be vastly greater than that of putting up one stone to mark each of these spots and to stand as long as stone will last.

Mr. SARGENT. The Senator asks me if I knew of others. I could name Johnson's Island and a number of others.

Mr. CONKLING. I have no doubt there are some others; but when I ask him if he knows of others, I mean to inquire whether he knows that in York, Pennsylvania, and in Massachusetts and Ohio and all about where we speak of national cemeteries, this is true. Now, I ask the Senator what provision has been made at Johnson's Island?

Mr. SARGENT. I cannot tell; but if this provision be made now I can tell him what provision will be made for a thousand cases in a year or two.

Mr. CONKLING. O, no, not a thousand cases. I ask a vote on my amendment to the clause.

Mr. SARGENT. I do not desire to delay the Senate, because if I were to debate every amendment the bill would fail; but I do beg the Senate not to enter upon this new expenditure.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York to the clause proposed to be stricken out.

Mr. CONKLING. If amended as I propose, the clause will read in this way: "All that part of Woodlawn Cemetery lying north of Sycamore avenue (upon filing in the War Department the consent of the common council of the city of Elmira) is hereby declared a national cemetery in so far only as declared by the act of June 23, 1874, entitled," &c.

Mr. SARGENT. There is no necessity for that amendment.

Mr. CONKLING. Certainly there is necessity for it.

The amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Committee on Appropriations to strike out the clause.

The amendment was agreed to.

Mr. SARGENT. The next following lines down to line 1365 relate to the same subject, and can only be passed upon on a knowledge of the individual cases. I ask the Senate to consent that these items go out of the bill, as recommended by the committee, and leave them to be considered in conference. They all relate to payments to contestants and contestees to seats in the House of Representatives. I ask that all these amendments be agreed to without reading them.

The PRESIDING OFFICER. If there be no objection, that will be done.

Mr. SARGENT. That strikes out from line 1332 to 1365.

The PRESIDING OFFICER. The motions to strike out all those lines are agreed to.

BRIDGE AT DUBUQUE.

Mr. ALLISON. I ask consent to take up the Senate bill No. 1230, on which a motion to reconsider is pending.

Mr. SARGENT. If it leads to no discussion, I will not object.

Mr. ALLISON. It will lead to no discussion whatever.

The PRESIDING OFFICER. The motion is to reconsider the vote on the passage of the bill (S. No. 1230) to authorize the construction of a ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa.

Mr. ALLISON. The Senator from Wisconsin [Mr. HOWE] authorized me to withdraw his amendment. Let the bill be considered as passed without the amendment proposed by him.

Mr. WINDOM. I withdraw the motion on that understanding.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and that order is made. The amendment is withdrawn and the bill passed without it.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

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

The following clause was read, being lines 1366 to 1371:

That so much of section 38 of the Revised Statutes as requires the Clerk of the House of Representatives to omit from the pay-roll of Representatives and Delegates elect to Congress those holders of legal certificates whose election he may be notified will be contested be, and the same is hereby, repealed.

Mr. WRIGHT. As I understand by the law at present, on evidence being presented to the Clerk of the House and notice of a contest, the pay is withheld from the holder of the certificate.

Mr. SARGENT. That is very true; but this provision comes from the House and it relates to their own members, and for that reason we deal a little more leniently with this clause than we otherwise might; but I would remark that it has been found in practice that the provision referred to is entirely useless, because the member holding the certificate is entitled to be sworn in and is sworn in no matter what contest is pending, and the moment he is sworn in he goes and gets his pay. That has been so all the time, and the only effect is to keep these persons out of their pay during the recess.

Mr. WRIGHT. All I want to do is to call attention to it, and I doubt not the attention of the committee may have been directed to it. As it occurs now, after to-morrow the persons who may hold certificates will draw pay from now until Congress shall meet in December; and if it shall occur that the contestant shall succeed, the contestant will get paid for the same time.

Mr. SARGENT. This law does not affect that. I think myself that is an abuse, but it would require a very different legislative provision from anything that exists now or that this bill proposes to cover that subject. I am very glad the Senator's attention is directed to that matter, and I think some good legislation can come out of it. This does not affect that. A Senator whose election is contested may hold his seat until the day before the Congress expires, and on that day he may lose his seat and the other man come in. He will have received his pay all that time, and the one who comes in of course will receive pay from the time he should have come in; and that makes duplicate pay. This does not affect that.

Mr. WRIGHT. But this makes it so that a person can draw his pay from to-morrow until next December, and then, if his seat is contested and his contestant be adjudged entitled to the seat, he will draw pay also, I understand.

Mr. SARGENT. Unquestionably that is so.

Mr. MORTON. I understand the effect is to place the rights of a contesting member of the House on the same ground as those of contesting members of the Senate.

Mr. SARGENT. Certainly.

Mr. MORTON. As the law now stands, if a member's seat is contested, the one holding the certificate and *prima facie* entitled is kept out of his pay all that time. It works a great hardship.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was to strike out in line 1375 the words "mileage and" before "transportation;" so as to read:

For collection and payment of bounty, prize-money, and other claims of colored soldiers and sailors; salaries of agents and clerks; rent of office; fuel, lights, stationery, and similar necessaries; office furniture and repairs; transportation of officers and agents; telegraphing and postage, $75,000.

The amendment was agreed to.

The next amendment was to insert after line 1370:

For the payment of bounties to sailors and marines under existing laws, $50,000, or so much thereof as may be necessary.

Mr. SHERMAN. I will inquire of the Senator from California whether this is not paid out of the permanent naval pension fund?

Mr. SARGENT. The amendment is to carry out the provision of law. I made inquiry on that matter, not having time to hunt it up, and it resulted in the information that it is not paid out of the naval pension fund.

Mr. SHERMAN. There must be some mistake about that, I think.

Mr. SARGENT. The amount recommended by the Department was $100,000. The committee in a fit of economy cut it down to $50,000. I think it had better be $100,000.

Mr. SHERMAN. If this is not to be paid out of the Navy pension fund, my remark does not apply. I know nothing about the amount to be paid for this bounty, and if it is not paid out of the Navy pension fund, I have nothing to say.

Mr. SARGENT. The information given to me is that it is not paid out of the Navy pension fund. I do not see any objection to paying it out of the Navy pension fund, but the law does not so provide.

Mr. SHERMAN. I think it would be better to pay it out of the Navy pension fund, which is ample, which is $14,000,000 or $15,000,000. I move to amend by adding "to be paid out of the Navy pension fund," which is amply sufficient.

Mr. CRAGIN. I hope not. The Navy pension fund is a sacred fund set apart for a special purpose, and should not be used for the payment of bounties or anything of that kind. The Navy pension fund now in the Treasury is drawing but 3 per cent. interest. That fund was set apart for a special purpose. It has been diverted from that purpose already.

Mr. SARGENT. Will the chairman of the Committee on Naval Affairs inform me whether these bounties have heretofore been paid out of the Navy pension fund.

Mr. CRAGIN. They have not, and never should be.

Mr. SHERMAN. I withdraw my amendment.

The PRESIDING OFFICER. The question is on the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out the following clause from line 1381 to 1388:

For continuing the publication of the official records of the war of the rebellion, both of the Union and of the confederate armies, $50,000; which shall be available

from and after the passage of this act; and where extra services are performed after office hours, and in addition to other regular duties, by the clerks employed upon this work, they shall be paid such reasonable extra compensation therefor as the Secretary of War may determine.

The PRESIDING OFFICER. The Chair understands that this is the amendment to which the Senator from Illinois [Mr. LOGAN] referred.

Mr. SARGENT. I stated that I was willing to withdraw it.

The PRESIDING OFFICER. The amendment will be regarded as withdrawn by the committee, if there be no objection.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was after the word "insurrection," in line 1414, to strike out:

And for arms and munitions of war taken for said purposes by the United States from the State of Maryland, $250,000.

Mr. SARGENT. The words in line 1416 by the print are improperly stricken out. The amount should be left. I withdraw that portion of the amendment.

The PRESIDING OFFICER. The amendment is simply then to strike out the words:

And for arms and munitions of war taken for said purposes by the United States from the State of Maryland.

Mr. SARGENT. Yes, sir.

Mr. HAMILTON, of Maryland. I propose to amend the proposition to strike out. Objection is made to naming a State, as I understand, and the motion to strike out is because of that. I propose to make it general, so as to read:

And arms and munitions of war taken for said purpose by the United States from States not in insurrection.

Mr. SCOTT. Were there any taken from any other State?

Mr. HAMILTON, of Maryland. I do not know. This State certainly was not in insurrection. I can tell the Senator from Pennsylvania that they were not taken, but these arms were got from the State; they were not properly taken. If there be anything wrong the Department will take care of that. I think the objection was not to the appropriation itself but to the character of the appropriation, that it was appropriating it to a specific State. Sixty-four thousand dollars is the whole sum claimed by Maryland, and that we propose to submit to the Department if an appropriation is made by this bill that will cover it.

Mr. SCOTT. I do not know how this provision got into this bill embracing the State of Maryland; but I will say for the Senator's information that a claim for arms alleged to have been taken from the State of Maryland was introduced by itself and referred as a private claim to the Committee on Claims and was under examination, but has not been reported upon. I think it would be altogether appropriate that instead of going into an appropriation bill it should go, like other claims, through the regular course of examination.

Mr. HAMILTON, of Maryland. That is well enough in itself, and I do not object to that, and for that reason I am perfectly willing that the name of the State of Maryland shall be stricken out and a general appropriation made. Hitherto, as determined by the Secretary of the Treasury and also the Second Comptroller of the Treasury, it was decided that under existing law this claim could not be paid by the regular accounting officers of the Treasury, and therefore in the House it was without any trouble in the world put in, and there it was proposed to be put in in this way:

And for arms and munitions of war taken for said purposes by the United States from States not in insurrection.

Objection was made there that the State should be specifically named if there were one from which arms were taken, and the State of Maryland was put in there for the purpose of obviating this general objection. Now I am perfectly willing that the State of Maryland shall be stricken out and that the clause shall read "from States not in insurrection," so as to make it general in its terms, and under this amendment if we can get the $64,000 (because it is no more) to which we are entitled according as the Department shall adjudge upon the justice of the claim, very well. We want nothing decisive here. We will go to the Department to determine our rights under the general appropriation, and I am sure making it general in this way will obviate the objections of the honorable gentleman from Pennsylvania and those of others as to its being a private claim and intended for Maryland alone.

Mr. SCOTT. I think the Senator would hardly get much benefit from the amendment if he had it in the bill.

Mr. HAMILTON, of Maryland. I am satisfied with it if it is put in the bill.

Mr. SCOTT. My impression is that there is no other case to which this could apply than the State of Maryland. The case was so far examined that instead of the language here, "taken from the State of Maryland," applying, I think the facts show that the arms were voluntarily delivered by the then governor of Maryland to the United States. I think it had better take the usual course of reference to a committee of the body, as it now has taken, and be disposed of regularly, rather than to go into an appropriation bill.

Mr. SARGENT. Then the Senator had better move to strike out the whole paragraph.

Mr. HAMILTON, of Maryland. My amendment comes first. My amendment is in lieu of "the State of Maryland" to insert "States not declared in insurrection."

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

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Chair will call attention to the fact that concurring in the committee's amendment strikes out the words after "insurrection," and the words inserted by the Senator from Maryland did not include all those. Will the Senator from California state how he wishes it to stand?

Mr. SARGENT. Incorporating the amendment of the Senator from Maryland, which I understood to be adopted, is to make the clause read:

To indemnify the States for any expenses incurred by them in enrolling, equipping, and transporting troops in defense of the United States during the late insurrection, and for arms and munitions of war taken for said purpose by the United States from States not in insurrection, $250,000.

The PRESIDING OFFICER. Then the question is on the amendment in that shape.

The amendment, as amended, was agreed to.

Mr. SARGENT. Now, to save time, I move to omit the reading of the amendment striking out lines 1417 to 1434, as the committee report.

The PRESIDING OFFICER. The Chair hears no objection. The reading of that amendment will be dispensed with.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was in line 1459, to reduce the appropriation for continuing work on the east wing of the building for the State, War, and Navy Departments from $700,000 to $400,000.

Mr. SARGENT. The recommendation of the committee was to reduce the appropriation from $700,000 to $400,000. That was under peculiar circumstances, and I desire consent to withdraw that amendment and let the appropriation stand at $700,000.

The amendment was rejected.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was to strike out from line 1461 to line 1467, as follows:

To enable the Secretary of War to pay George W. Seibert for grading streets and sidewalks in front of the United States arsenal grounds in the city of Indianapolis, Indiana, $658; and to pay Michael Faust for grading and graveling the same and in the vicinity thereto, $1,014.99.

The amendment was agreed to.

The next amendment was to strike out the following clause from line 1476 to line 1493:

The following sums, or so much thereof as may be necessary, are hereby appropriated for the purchase of the following sites for forts in the State of Texas, in accordance with the resolutions and recommendations of the board of officers appointed under act of March 3, 1873, entitled "An act to provide for the purchase, by the Secretary of War, of land for the United States for the sites of forts and military posts:" Fort Brown, $25,000; Fort Duncan, $10,000; Ringgold Barracks, $10,000: *Provided*, That before the payment of the money hereby appropriated good titles shall be made to the United States for such land as contemplated by said act and said report; and no more than the amount appropriated shall be paid for such sites. And the Secretary of War is hereby authorized to accept for the United States, and free of expense to the same a conveyance of the site of Fort McIntosh.

The amendment was agreed to.

The next amendment was in lines 1512 and 1513, in the clause relative to the McPherson statue, to strike out the words "Scott Square" and insert "P-street Circle," so as to read:

And provided also, That it shall be erected in P-street Circle, in the city of Washington, &c.

The amendment was agreed to.

The next amendment was in line 1513 to strike out after the word "Washington" the words:

On or near its center, the ground of which shall be adapted to such erection by the discontinuance of the carriage-way connecting Vermont avenue, now running through said square; and said square shall hereafter be known as McPherson Square.

The amendment was agreed to.

The next amendment was to strike out lines 1519 to 1522, as follows:

To enable the Secretary of War to acquire a full and perfect title to the "Brady collection of photographs of the war," and to secure by purchase the remainder now in the possession of the artist, $25,000.

The amendment was agreed to.

Mr. SARGENT. From line 1525 to line 1540 there are some little amendments that refer to improvements about the Executive grounds, &c., in the city of Washington, which we proposed under very considerable stress of weather. The items are very small, and I think they had better remain in the bill. Therefore, with the consent of the Senate, I withdraw the amendments striking them out.

The VICE-PRESIDENT. The Chair will put the question on the amendments striking out the items referred to.

The amendments were rejected.

The next amendment was in line 1554, to reduce the appropriation for the purchase and repair of tools for public buildings and grounds in and around Washington from $2,000 to $1,000.

The amendment was agreed to.

The next amendment was in line 1565, to reduce the appropriation for cages and boxes for sparrows from $500 to $400.

Mr. SARGENT. I withdraw that amendment.

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

The amendment was rejected.

The next amendment was in line 1773, to strike out the following clause:

For completing the improvement of reservation numbered 3, Monument grounds, as per plan, $20,000.

Mr. SARGENT. I withdraw that amendment also.

The VICE-PRESIDENT. The Chair will put the question on the amendment.

The amendment was rejected.

The next amendment was to strike out lines 1584 and 1585, in the following words:

For fountains and watchman's lodge in Judiciary Square, $5,000.

Mr. SARGENT. This is in the same category. We do not ask the adoption of this amendment now.

The amendment was rejected.

The next amendment was to insert after line 1587:

For improving various reservations, $15,000.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill to the end of line 1634.

Mr. SARGENT. On further consideration of the paragraph on pages 66 and 67, and in order to get full information in the committee of conference, I move to strike out all after the word "aforesaid" in line 1628 down to and including the word "street" in line 1632. That is, to strike out the words giving the Washington and Georgetown Railway Company the right to lay tracks across the Aqueduct Bridge over Rock Creek.

Mr. SHERMAN. I suggest we had better strike out the whole proviso, because as the railroad company are required to place their tracks on what is called the Aqueduct Bridge, they must have some other place.

Mr. SARGENT. I am inclined to think they ought to be required to build their own bridge. As by this arrangement we furnish them a bridge, the Aqueduct Bridge, it will be of no use then to the public or scarcely of any use on account of continual passage of cars there. I think they ought to build their own bridge, but I want to inquire more particularly into it.

Mr. SHERMAN. You had better strike out the whole proviso and send the whole to a committee of conference. It seems to me it would be very hard to touch on the subject unless you legislate on the whole.

Mr. SARGENT. That gives us jurisdiction of the whole. I have no objection, however.

Mr. SHERMAN. I move to strike out all from the word "that" in line 1623 down to "street" in line 1632.

Mr. SARGENT. Very well.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill.

Mr. SARGENT. On page 68, line 1651, I move to strike out the word "members" and insert "chairman," and in line 1653 to strike out the words "three to cast but one vote in said board."

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in line 1692 to reduce the appropriation "for repairs at the different navy-yards and stations, and preservation of the same," from $500,000 to $200,000.

Mr. SARGENT. That amendment we withdraw.

The VICE-PRESIDENT. The Chair will put the question on the amendment.

The amendment was rejected.

The next amendment was to strike out the following clause, from line 1696 to 1702:

To enable the Secretary of the Navy to purchase, in accordance with his public bid therefor, the Stevens iron-clad steam battery, together with expense of removal to the Brooklyn navy-yard, $150,000: *Provided*, That said battery, after purchase, shall not be fitted up until a specific appropriation therefor is made, unless in case of warlike emergency.

Mr. CRAGIN. I hope the Senator from California will withdraw this amendment.

Mr. EDMUNDS. He cannot withdraw it.

Mr. CRAGIN. Then I hope it will be voted down.

Mr. FRELINGHUYSEN. I wish to say in reference to that amendment that this battery which has been constructed for the purpose of the defenses of the harbor of New York by Stevens cost, as I am informed, about three and a half million dollars. I suppose that it was very extravagantly constructed, but it could not have been produced for less than $2,000,000. There are in it very valuable engines, as I am informed. It was put up for sale, and the Secretary of the Navy bid it in at one hundred and fifty to two hundred and fifty thousand dollars, subject to the approval of Congress, which approval is asked by this appropriation.

Mr. EDMUNDS. Where did the Secretary of the Navy get the authority to bid at all?

Mr. FRELINGHUYSEN. The authority is to be given now. I said that his bid was subject to the approval of Congress. Therefore he needed no authority. I suppose that my friend from Vermont might buy anything subject to the approval of Congress, and if Congress did not give the approval it would not amount to anything.

Mr. EDMUNDS. Yes, but I am not the Secretary of the Navy.

Mr. FRELINGHUYSEN. Now I suppose that it is certainly to the interest of the Government to pay this sum of $150,000 for that vessel. I have no idea that the vessel is worth anything like what it cost; perhaps it may not be worth more than $1,000,000; but certainly it is worth for the purposes of defense $150,000. I believe there are members of the Committee on Naval Affairs who have examined the vessel and who can speak in reference to it.

Mr. ANTHONY. This is a very formidable vessel. It has cost two or three million dollars certainly. It has had a million dollars laid out upon it within a few years. The engines cost some $750,000. It is offered to us now at about the price of old iron, and there is a provission here that no money shall be laid out upon it by way of repair or improvement unless some warlike emergency should arise. I think the Government will lose an opportunity of what we Yankees call a great bargain if we do not buy this vessel. We can sell it for old iron for about what we give for it. It is a very formidable battery for harbor defense at any rate.

Mr. EDMUNDS. Is there any special necessity for the Navy Department or Congress going into the business of buying old iron?

Mr. ANTHONY. No, sir; but there is a special propriety in buying a formidable vessel of war when you can buy it at the price of old iron. I wish you could buy a whole navy at that rate.

Mr. EDMUNDS. There is exactly where the question comes in that I would like to have explained. If this is a formidable vessel of war of course it is cheap at $150,000. If it is an elephant invented by a man of genius and enthusiasm and extravagant notions, that is good for nothing to anybody, and which has been turned over to the State of New Jersey—was it not the State of New Jersey?

Mr. ANTHONY. It was bequeathed to somebody there to finish it.

Mr. EDMUNDS. It was bequeathed to somebody, one of those legacies that everybody is anxious to get rid of. Then it is open to some question whether there is any great object in buying it.

Mr. WEST. "There's millions in it."

Mr. EDMUNDS. My friend from Louisiana says "there's millions in it;" and so the Senator from New Jersey says "there's millions in it."

Mr. FRELINGHUYSEN. I would not want to give millions for it, but I think it is cheap at $150,000.

Mr. EDMUNDS. Well, it may be cheap for old iron, as my honorable friend so well puts it.

Mr. FRELINGHUYSEN. I did not put it in that way.

Mr. EDMUNDS. I am addressing myself to my friend from Rhode Island, as we are in the old-iron business in New England and we understand that subject too. It is a question possibly very important for us to determine whether it is for purposes of defense on a harbor or a raft they call a battery.

But seriously the question I want to know is, when we are endeavoring to curtail expenditures, what definite evidence have we that this vessel, or battery, or whatever you call it, has any thorough or intrinsic value as a means of offense or defense. The history of it, as I have seen it in the newspapers ever since I can remember, is very interesting indeed—the expenditure of vast sums upon some ingenious theory that never so far has been able to be made to work; and I think this thing, when Mr. Stevens died, in some way was turned over to the State of New Jersey. Am I right about that? Was it not turned over to the State of New Jersey in some way? My friend from New Jersey can tell us its history.

Mr. FRELINGHUYSEN. I think it was bequeathed to the State of New Jersey since the death of Mr. Stevens. I think the will of Mr. Stevens required it to be completed, and I think quite a million dollars, or nearly a million, has been expended on it since his death.

Mr. EDMUNDS. The will required that the thing should be completed and then given to the State of New Jersey. I suppose, then, the State of New Jersey, as the residuary legatee, would be entitled to receive this $150,000. If the thing is worth that, not for old iron, but as a necessary and valuable means for defending the harbor of New York, then there is some force in this proposition of the House to buy, with all the forts and batteries that line the lower part of the harbor of New York, this thing, which I take it cannot ride at sea in rough weather, and which can only be used inside of the fortresses in New York harbor proper. Why, Mr. President, after an enemy's fleet had got by all these forts, and had therefore brought the town directly under the fire of their guns, the notion that this battery or any other amount of floating batteries is going to do anything is open to a great deal of question. If this is a valuable ship for purposes of war—and we had a letter from the Secretary of the Navy stating that on an investigation by naval officers this is a valuable war vessel—then there would be some force in this proposition of the House of Representatives; but to pay $150,000, or any other sum, with a provision that we need not pay any more until it is necessary, it seems to me is a present waste of the public money.

This vessel does not appear to have been completed yet. How many more hundreds of thousands, how many more millions of dollars are to be required to make it what its inventor intended it to be, no man knows. I for one, in this state of things, am not disposed to take $150,000, with these future contingencies in view, out of the Treasury of the United States to pay for what my friend says is at least good old iron.

Mr. ANTHONY. I do not think the Senator from Vermont man-

ifests his usual candor. Because I used an extreme illustration, that this vessel, even for old iron, would be worth $150,000, he therefore assumes that I want to buy it for old iron and go into the old-iron business. If he desires the opinion of the Secretary of the Navy, I will give it to him. It is the opinion of the Secretary of the Navy that it would be a great mistake for us to omit the purchase of this vessel.

Mr. EDMUNDS. Is that opinion in any official communication to us?

Mr. MORRILL, of Vermont. He made a public bid for the battery.

Mr. ANTHONY. When the Secretary of the Navy went and bought it himself subject to the approval of Congress, it was supposed he committed himself about as fully as he could. I know that is his opinion; I have talked with him upon this subject; and I know it is the opinion of naval officers, who know much more about the naval armaments than any of us can, that this is an exceedingly desirable thing for the Government to buy. I do not say that if we were obliged to buy it or construct it at the price it cost it would be desirable to do it, but here we buy for almost nothing a vessel that cost four or five millions in all, and that could not be built to-day for two millions. The engines alone are worth $750,000, and we buy the whole thing for $150,000; and because I say it is worth that for old iron, it is hardly fair to say that I would buy it for old iron.

Mr. SCOTT. I would like to ask the Senator from Rhode Island, as he is a member of the Committee on Naval Affairs and apparently familiar with the history of this matter, were there any other bidders at this public auction at which it is alleged to have been sold than the Secretary of the Navy; and further, should this $150,000 be appropriated, who is entitled to receive the price?

Mr. ANTHONY. I cannot answer that question. Perhaps the chairman of that committee can. But who but the Government could buy a vessel of war? Who is going to buy a vessel of war? What gentleman would want it for a pleasure yacht? Who would want it for a fishing vessel or a passenger vessel?

Mr. EDMUNDS. How would my friend expect to have a bidder then? What sort of auction was this where there was only one bidder?

Mr. ANTHONY. I did not say there was but one bidder. The Government bought it perhaps a little above the price of old iron to prevent people from taking it for that purpose.

Mr. SCOTT. I understood the statement to be made that there was in this battery one engine worth $750,000.

Mr. ANTHONY. It cost $750,000. It would not be worth that for any other purpose. It cannot be made to work for a stationary vessel. The engines cannot be made available as engines for any other purpose probably.

Mr. CRAGIN. In answer to the inquiry of the Senator from Pennsylvania, I will say there were several other bidders. One man in New York bid $100,000 for this vessel to cut it up for old iron simply. I know very well that the Navy Department think it is important that this vessel be purchased at the bid which was offered, not that they would be willing to pay what this vessel has cost, but they consider it very cheap at the price bid for it, and very desirable that the Government should have it under its control. It may not be known to Senators, but such is the fact, that the Government already appropriated and paid toward the construction of this vessel some years ago $700,000, and now if we can obtain it for $150,000 I think it is a most desirable offer.

Mr. BAYARD. Mr. President, here is a work upon which upward of $3,000,000 were expended under the intelligent plan and supervision of two such engineers as Robert L. and Edwin A. Stevens, and which by the will of the survivor has been continued under the charge of one of the first engineers of the country, General McClellan. It seems to me it would be a very unwise thing to allow the fruits of so much expenditure and so much ability, designed with such purely patriotic intent as the defense of the great commercial port of the Union, to pass away for so comparatively small a sum as we now are asked to pay to secure it. I admit that it would have been far more satisfactory to us if those who represent the Administration and the Navy Department here had offered us the survey of a board of competent engineers, stating the capacity of this floating battery for the defense of the port of New York. I take it for granted it is not meant for exterior service at all; it is entirely meant for what you may call still-water defense; but I cannot believe that so much ability, so much high character, and so much money could all have been dedicated to the creation of this work to produce something not worth the sum we are now called upon to give for it.

I hope this battery will pass into the hands of the Government. I believe no loss could accrue, because the mere material of which the battery is constructed is said, and I have no doubt perfectly truly, by the Secretary of the Navy to be worth more than the sum which we are asked to give for it. I do not know how valuable it may be as a harbor defense, but I believe it is admitted that it is of some value. If it be valuable as a sea-going vessel, then this price is a mere bagatelle compared with its absolute value to the Government, and I trust there will be no hesitancy on the part of the Senate to follow the action of the other House on this subject.

Mr. MORTON. It has been said in the public papers that this floating battery was a total failure and had been abandoned. Now, if our naval authorities have made an examination of this battery and are satisfied that it can be put to any available use for the defense of the harbor of New York, if we have any report of that kind from the Navy Department, then we might buy it as a very cheap defense; but if we have no report of that kind the money invested in it is a loss. The engines are said to be worth $750,000, or to have cost that. What can the Government do with them? It cannot put them into a ship of war. They would not be adapted to any other vessel, would they? They may be ever so good for the purpose and ever so powerful, but the Government can make no use of them except to propel this very vessel. If there is no report showing that this ship can be made available either with the present expense incurred or by incurring a million dollars more of expense then the $150,000 is thrown away.

Now, if there is any evidence before us that this vessel can be made available for the defense of that harbor in its present condition or by an additional expenditure I am willing to vote this $150,000; but in the absence of it I will not, because the money will simply be lost if the vessel cannot be so used. We ought not to expend $150,000, I think, without knowing something about it.

Mr. ANTHONY. If we should have a war to-day and it was a question whether we should have that vessel or not, we would give all it cost rather than have it go out of the Navy.

Mr. MORTON. I would ask the Senator if there is any report furnished by naval officers showing that the vessel is now available or could be made available by expending half a million or a million upon it? I would like to know something about it. I am willing to vote the money.

Mr. ANTHONY. I do not know of any written report, but I know that is the opinion of the Secretary of the Navy, founded upon the opinion of the best officers of the Navy, that it is a very valuable vessel for harbor defense. Otherwise he would not have made the bid he did for it. The Senator who has charge of this bill lately inspected the vessel and knows better than any of us, and I shall put him on his candor, not as having charge of this bill but as a member of the Committee on Naval Affairs, to state what he knows in regard to the vessel.

Mr. MORTON. I will take his opinion on the matter.

Mr. SARGENT. As a member of the Committee on Naval Affairs, at my own expense I went to New York and examined this vessel fully in reference to this question. I went to all parts of the vessel from the bow to the stern and from the deck to the bottom of the vessel, examined the machinery, &c. I do not think my opinion is worth much as an expert, but I do know that I was greatly impressed with the idea that it was a strong and powerful vessel and that it would be a good sea-going vessel and most admirable for harbor defense, if that were necessary. The vessel is complete except putting on its armor and sails; but the material is all there.

Mr. MORTON. How much would it cost?

Mr. SARGENT. Probably, to put the vessel in a thorough state of efficiency, $750,000.

Mr. MORTON. Additional?

Mr. SARGENT. Additional, utilizing the material that is there; but that ought not to be done unless some emergency arises, and Congress in view of that would appropriate to require it to be done. I assented, however, to the action of the Committee on Appropriations in striking this out, although I thought if we had the money to spare we could not better use it than for this purpose. The committee moved to strike it out, and I shall vote in accordance with the action of the committee to strike it out, although I think the money would be well expended.

Mr. EDMUNDS. I think there is no pressing public emergency which makes it necessary for us to buy this year this gift bequeathed to the State of New Jersey. My friend from Rhode Island alluded to the fact that at this auction we did not have a foreign government bid and take the thing out of the country. If this thing has been constructed as I have been told it is and all know it was, it could not go five miles outside of Sandy Hook without going to the bottom.

Mr. MORTON. The Senator thinks it could not get away?

Mr. EDMUNDS. So unless some foreign government should think they had an international right to keep this battery of their own inside of the harbor of New York to have it on an emergency to fight us with there would not be any great danger of its going into the hands of foreign purchasers. That, Mr. President, I think ought to settle that suggestion; so that what we ought to do, I think, is to wait until next December and have an official report from the Secretary of the Navy that he is officially responsible for, and in which I should have great confidence—and I say that with pleasure and with sincerity upon this subject—so that the records will show what the state of the case is.

Mr. MORTON. Has not the Government already some stock in that vessel?

Mr. EDMUNDS. The Senator from New Hampshire says it has.

Mr. MORTON. How much?

Mr. EDMUNDS. The Senator from New Hampshire says three quarters of a million.

Mr. SHERMAN. That was surrendered.

Mr. EDMUNDS. I know; but he says that would not prevent our buying it back and paying $150,000 more. So I hope we shall agree to the amendment striking this out, and I ask for the yeas and nays on it.

Mr. MORTON. I would not take up the time of the Senate by a call. Take a division.

Several SENATORS. Let us take a division.

The yeas and nays were not ordered.

The PRESIDING OFFICER. A division is called for. Senators in favor of the amendment will rise and stand till counted.

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

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) They were called for, but the call was not sustained.

Mr. EDMUNDS. I should be glad to appeal to the Senate of the United States to put itself on record when we are on the subject of economy to see who is really in favor of this thing and who is not. If there is any subject upon which we ought to have the yeas and nays it is this one, as it appears to me, and I ask again for the yeas and nays.

The yeas and nays were ordered.

Mr. ANTHONY. I am very much obliged to my friend from Vermont for giving me an opportunity of putting my name on record in favor of buying for $150,000 a vessel which we could not build for $2,000,000, and which in my opinion, and in the opinion of men who know much more about naval affairs than I do, is a great bargain. I know very little, and my opinion is derived from what I hear from those who do know, and in their opinion it is a very valuable vessel for defense, which would be of very great use to us in an emergency.

Mr. President, this is precisely the time to buy this vessel at $150,000, having the material on hand and all the opportunities to finish and perfect the vessel if the necessity should arise. It is precisely the kind of naval armament that we require. We want the materials of a navy; we want the workshops of a navy; and we want the *personnel* of a navy; but we do not desire to have a large navy afloat. I wish we could buy fifty vessels like this at such a small present expenditure, and which by a larger expenditure when an emergency arises would enable us to put afloat a large armament for defense.

Mr. SARGENT. I hope we shall now have a vote.

Mr. BAYARD. Mr. President——

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

Mr. SARGENT. I was only going to implore the Senate to vote. It is getting very late.

Mr. BAYARD. I think it will be a very great mistake if Congress shall not buy this vessel.

The PRESIDING OFFICER. The yeas and nays have been ordered and the Secretary will call the roll.

Mr. ANTHONY. I understand those in favor of buying the vessel vote "nay."

The question being taken by yeas and nays resulted—yeas 36, nays 17; as follows:

YEAS—Messrs. Bogy, Boreman, Boutwell, Clayton, Cooper, Davis, Edmunds, Fenton, Ferry of Connecticut, Goldthwaite, Hamilton of Texas, Harvey, Ingalls, Johnston, Jones, McCreery, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Norwood, Oglesby, Robertson, Sargent, Schurz, Scott, Sherman, Sprague, Stewart, Tipton, Wadleigh, Washburn, West, Windom, and Wright—36.

NAYS—Messrs. Anthony, Bayard, Conkling, Conover, Cragin, Dennis, Eaton, Flanagan, Frelinghuysen, Gilbert, Hager, Howe, Kelly, Patterson, Pease, Ransom, and Stockton—17.

ABSENT—Messrs. Alcorn, Allison, Brownlow, Cameron, Carpenter, Chandler, Dorsey, Ferry of Michigan, Gordon, Hamilton of Maryland, Hamlin, Hitchcock, Lewis, Logan, Pratt, Ramsey, Saulsbury, Spencer, Stevenson, and Thurman—20.

So the amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was after line 1702 to insert:

For clothing for the Navy, $150,000.

The amendment was agreed to.

The next amendment was in line 1709, in the appropriations for the improvement of grounds of the Department of Agriculture, to reduce the item for labor from $6,000 to $4,000.

Mr. SARGENT. The reductions in the Department of Agriculture embrace in all about $4,000. As the pressure is taken off requiring an absolute reduction, with the consent of the Senate I will ask that they non-concur in the present amendment in line 1709.

The amendment was rejected.

The next amendment was after the word "dollars," in line 1713, in the appropriations for the Department of Agriculture, to strike out the following items:

For planting and completing improvement of new grounds, $1,000; for two flights of stone steps in front of the conservatory, $680; for two small fountains, $360; for purchasing and laying pipes, $1,350.

The amendment was rejected.

The next amendment was in line 1719, after the words "in all" and before "dollars," in line 1720, to strike out "$11,990" and insert "$7,600."

Mr. SARGENT. That is the footing. I withdraw it.

The amendment was rejected.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was to strike out in the appropriations for the Department of Agriculture, lines 1721 to 1725 inclusive, in the following words:

And the unexpended sum heretofore appropriated for the purchase of Duby's cryptogamic herbarium, or as much thereof as may be necessary not exceeding $1,000, is hereby continued and rendered available for the purchase of a collection of fungi or other cryptogams.

The amendment was agreed to.

The next amendment was after line 1738 to insert:

For continuation of building for custom-house at New Orleans, Louisiana, $100,000.

Mr. SHERMAN. That is the amendment which the Senator from Illinois asked to be passed over.

Mr. SARGENT. No, the next one, relating to the building at Chicago. With reference to these buildings which are commenced at Cincinnati, Chicago, and Saint Louis, I propose to restore the amount which the House allowed, because they are great public works and I think ought to be completed. I will take them in their order.

Mr. SHERMAN. I have consulted the chairman of the committee, and in my judgment all these provisions as to limitation ought to be stricken out. The proviso as to Chicago is somewhat similar.

Mr. SARGENT. I have no objection to that, and I think it is the best thing we can do.

Mr. SHERMAN. Very well.

Mr. SARGENT. I will make that motion on the first question that comes up.

The next amendment was in lines 1742, to reduce the appropriation for continuation of building for custom-house and sub-treasury at Chicago, Illinois, from $750,000 to $500,000.

Mr. SARGENT. I withdraw that amendment.

The amendment was rejected.

Mr. SARGENT. I move to strike out the proviso to the Chicago appropriation, beginning in line 1743, in the following words:

Provided, That the limitation upon the cost of said building, heretofore fixed by law, is hereby extended to $4,000,000, exclusive of the site, but the same shall in no event, when fully completed, exceed that sum; and the Architect of the Treasury is required to modify the specifications and plans of said building, if necessary to comply with this provision, and so that the cost of the same shall not exceed this limitation.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was in line 1752, to reduce the appropriation for continuation of building for custom-house and post-office at Cincinnati, Ohio, from $600,000 to $400,000.

Mr. SARGENT. I withdraw that amendment.

The amendment was rejected.

Mr. SARGENT. I move to strike out the proviso in regard to that building from line 1753 to line 1759, inclusive, as follows:

Provided, That the cost of said building, when completed, shall not exceed the limitation now fixed by law, $3,500,000, exclusive of cost of site; and the Architect of the Treasury shall prosecute the work upon said building upon such plans and specifications as that the same, when fully completed, shall not exceed said limitation.

The amendment was agreed to.

The next amendment was in lines 1767 and 1768, in the appropriation for continuation of building for custom-house and post-office at Fall River, Massachusetts, to strike out the following words:

And the limitation heretofore existing under act of May 21, 1872, is hereby.

Mr. SARGENT. I withdraw that amendment and ask that the word "repealed" may be written in there, as I suppose it is in the original bill.

The PRESIDING OFFICER. The Senator from California moves to insert the word "repealed" after "hereby."

The amendment was agreed to.

Mr. SARGENT. Now I withdraw the amendment of the committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee to strike out the clause.

The amendment was rejected.

The reading of the bill was resumed. The next amendment was in line 1779, to reduce the appropriation for continuation of building for court-house and post-office at Hartford, Connecticut, from $100,000 to $50,000.

Mr. SARGENT. I withdraw that amendment.

The amendment was rejected.

The next amendment was in line 1781, before the word "building" to insert the words "completion of the;" so as to read:

For completion of the building for post-office and custom-house, Parkersburgh, West Virginia, $18,000.

Mr. SARGENT. The words "completion of the" were put in there by mistake. I desire the Senate to non-concur in that amendment.

The PRESIDING OFFICER. If there is no objection, the words will be stricken out.

The amendment was not agreed to.

Mr. SHERMAN. Something ought to be put in there. It ought to be "for a building."

Mr. SARGENT. It is for "a" building. The building is nearly finished.

Mr. SHERMAN. It is for "the" building, then.

Mr. SARGENT. This is really to pay for the site, although the building is nearly finished. I think by mistake, or without any proper

construction of the law, the money appropriated for the site was taken to pay the cost of building, and it is nearly finished.

Mr. SHERMAN. Then you want to put in the word "the."

Mr. SARGENT. Very well; leave the word "the" in, striking out "completion of."

The PRESIDING OFFICER. If there is no objection, that modification will be made.

The next amendment of the Committee on Appropriations was in line 1785 to reduce the appropriation for continuation of building for post-office and court-house at Philadelphia, Pennsylvania, from $750,000 to $500,000.

Mr. SARGENT. I withdraw that amendment.

The amendment was rejected.

Mr. SARGENT. I move to strike out the proviso beginning after the word "dollars" in line 1786, as follows:

Provided, That the cost of said building shall not exceed, when completed, the limitation now fixed by law. And the Architect of the Treasury shall prosecute said work upon such plans and specifications as that the cost of the building when fully completed shall not exceed said limitation, being $4,000,000, exclusive of the cost of site.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill.

Mr. SARGENT. In lines 1797 to 1801 inclusive, after the appropriation for continuation of building for court-house and post-office at Raleigh, North Carolina, I move to strike out the proviso, as follows:

Provided, That the cost of said building, including the site, shall not exceed, when entirely completed, the sum of $250,000; and if necessary, the plans for said building shall be so revised as that the sum appropriated shall complete the building.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was in line 1807 to reduce the appropriation for continuation of building for custom-house and post-office at Saint Louis, Missouri, from $700,000 to $500,000.

Mr. SARGENT. I desire to withdraw that amendment.

The amendment was rejected.

Mr. SARGENT. After the word "dollars" in line 1817 I move to insert the words "to be available immediately;" so as to read:

To cover the expenses incurred by reason of the fire at the Navy Department on the 25th day of January, 1875, $12,000, to be available immediately.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill, and read lines 1834 to 1838, inclusive, as follows:

And no change of said plan involving an increase of expense exceeding 10 per cent. of the amount to which said building was limited shall be allowed or paid by any officer of the Government without the special authority of Congress.

Mr. MORRILL, of Vermont. I suggest that there should be an amendment in this clause that no change of any plan should be made without the approval of the same authority that was required for the commencement of any plan.

Mr. SARGENT. I raise the point of order that the amendments of the committee must be acted on first. We shall soon get through with the committee's amendments.

Mr. MORRILL, of Vermont. Very well; I will not press an amendment.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was in line 1841 to reduce the appropriation "for furniture and repairs of the same, and for carpets, for public buildings under the control of the Treasury Department" from $200,000 to $150,000.

The amendment was agreed to.

The next amendment was in line 1846 to reduce the appropriation "for fuel, light, and water, and miscellaneous items required by the janitors and firemen in the proper care of the public buildings under the control of the Treasury Department" from $300,000 to $225,000.

The amendment was agreed to.

The next amendment was in line 1850 to reduce the appropriation "for heating-apparatus, and repairs of the same, for public buildings under the control of the Treasury Department" from $200,000 to $175,000.

The amendment was agreed to.

The next amendment was in line 1854, to reduce the appropriation "for vaults, safes and locks, for public buildings under the control of the Treasury Department" from $100,000 to $75,000.

The amendment was agreed to.

The next amendment was to strike out lines 1861 to 1865, inclusive, in the following words:

For the purpose of making plans and specifications for a public building at Auburn, New York, the sum of $4,000; the same being in accordance with the recommendation of the Treasury Department, through the Supervising Architect of the Treasury.

The amendment was agreed to.

The next amendment was to strike out section 2 of the bill.

Mr. WRIGHT. That is the section providing for the reorganization of the Treasury Department?

Mr. SARGENT. In regard to section 2, I think the amendment proposed by the committee to strike it out will meet the approval of the chairman of the Committee on Finance, and we want more time than we have had to examine this matter and compare it with the present statutes. The Senate is aware that we got this bill out at a very late hour, being at work all of the night before last and yesterday to get it before the Senate at all. I want to compare the section with the present law, and in conference committee we can fix it up. My impression, and I believe it is that of the Senate, is that it is impossible at this time to go into a reorganization of the Department. I want to look into the details of this matter. Therefore I ask the Senate to allow it to go out *pro forma*. I will either report it back as it is here or with such modifications as may be proposed and adopted.

Mr. WRIGHT. I was about to make that exact proposition that this section be allowed to go out *pro forma*. I think that is the most expeditious way of disposing of this question. I think it is very important that this provision should be retained in the bill. It has the concurrence of the Treasury Department and of the Committee on Civil Service and Retrenchment; and I hope it will be understood that it goes out *pro forma* with the understanding that it will be considered in conference.

The PRESIDING OFFICER. The question is on the amendment of the committee striking out the second section.

The amendment was agreed to.

The next amendment was to insert as section 2:

That the Secretary of War be, and he is hereby, authorized and directed to detail one medical officer of the Army, who shall, under the direction of the Surgeon-General of the Army, investigate carefully the matter of said reports, and who shall, if said reports be found to be based upon facts, through the Surgeon-General give due and timely notice of the advance and spread of the disease. Should an epidemic of cholera invade the United States during the present year, it shall be the duty of said officer to compile complete records of the epidemic and report the same through the President to Congress. That to defray the necessary expenses of this investigation, the sum of $5,000 is hereby appropriated, or so much thereof as may be required, to be expended under the direction of the Surgeon-General of the Army.

Mr. SARGENT. In lieu of that I offer from the committee the following amendment:

That the Secretary of War be, and he is hereby, authorized to detail a medical officer of the Army to investigate and report upon the reported existence and spread of cholera in Mexico and near the frontier of Texas; and should such an epidemic invade the United States during the present year, it shall be the duty of such officer to give timely notice of the advance and spread of the disease, and compile complete records of such epidemic, and to report the same through the President to Congress; and to defray the necessary expenses of this investigation the sum of $5,000 is hereby appropriated, or so much thereof as may be required, to be expended under the direction of the Secretary of War.

The PRESIDING OFFICER. Is that offered as a substitute for the amendment reported from the committee?

Mr. SARGENT. I offer it as a substitute for the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Appropriations was in line 34 of section 3 to strike out "paragraph" and insert "section;" so as to read.

The Secretary of the Treasury shall reimburse the Treasury to the full amount paid out under the provisions of this section, &c.

The amendment was agreed to.

The next amendment was to strike out the fourth section of the bill, in the following words:

SEC. 4. That for experiments in testing iron and steel, including the cost of any machine built for such purpose, the sum of $50,000 is hereby appropriated; and the further sum of $25,000 provided "for improved machinery and instruments for testing American iron and steel," in the act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1874," approved March 3, 1873, is hereby continued and made available for such purpose; and that the President be, and hereby is, authorized to appoint a board, to consist of one officer of engineers of the United States Army, one officer of ordnance of the United States Army, one line officer of the United States Navy, one engineer of the United States Navy, and three civilians who shall be experts; and it shall be the duty of said board to convene at the earliest practicable moment, at such place as may be designated by the President, for the purpose of determining, by actual tests, the strength and value of all kinds of iron, steel, and other metals which may be submitted to them or by them procured, and to prepare tables which will exhibit the strength and value of said materials for constructive and mechanical purposes, and to provide for the building of a suitable machine for establishing such tests: *Provided*, That no officers in the pay of the Government shall be entitled to or receive any additional compensation by reason of any services rendered in connection with this board; but one of the civil experts shall act as secretary of the board, and shall be entitled, under this act to such compensation as the President may deem proper and fit: *Provided*, That not more than $15,000 of the sum herein provided shall be used for the expenses of such board, and the balance shall be used in the construction of the machine aforesaid.

Mr. ANTHONY. I think the appropriation in the fourth section is an exceedingly valuable one for testing the tenacity of iron. I hope that the Senator from California in charge of the bill will consent to let that appropriation stand.

Mr. SARGENT. I have no objection. I think it is a very valuable thing.

Mr. WEST. It was stricken out under the circumstances that controlled us in regard to the tax bill.

Mr. SARGENT. I have no objection to non-concurring in the amendment of the committee.

The amendment was rejected.

Mr. ANTHONY. In the section just retained with the assent of the Senator in charge of the bill I desire to call his attention to line 32, which provides:

And the balance shall be used in the construction of the machine aforesaid.

I have been informed that this is intended for the benefit of some particular machine. Is that so?

Mr. SARGENT. I do not know that it is.

Mr. SHERMAN. Strike it out.

Mr. ANTHONY. I think it would be best to leave the selection of the machine entirely to the control of the board, and therefore to strike out in line 32 after the word "board" the words which I have read.

Mr. SARGENT. I have no objection to that. That will give us jurisdiction of the section in committee of conference and we shall have to examine the whole section.

The amendment was agreed to.

The next amendment was in line 2 of section 7 to strike out "two" and insert "one" before "months;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized to pay, when discharged, one month's pay to such clerks and employés in the Executive Departments, &c.

The amendment was agreed to.

The reading of the bill was concluded.

The Committee on Finance proposed to amend the bill by adding as a new section the following:

SEC. 8. That the Secretary of State shall cause the Statutes at Large enacted by each Congress, which shall be edited and printed pursuant to the provisions of section 7 of the act entitled "An act for publication of the Revised Statutes and the laws of the United States," approved June 20, 1874, to be stereotyped and offered for sale in the same manner and on the same terms as is provided in and by section 9 of said act herein mentioned in respect to the laws of each session of Congress. That the provisions of section 2 of the act entitled "An act providing for the distribution of the Revised Statutes," approved February 18, 1875, shall apply to the Statutes at Large enacted by each Congress and to the laws of each session of Congress, to be published pursuant to said act of June 20, 1874, in the same manner as if specially mentioned therein. That the Congressional Printer be, and he is hereby, directed, in causing to be printed and bound an edition of the laws at the close of the session for the use of the Senate and House of Representatives, to print the same from the stereotype plates of the edition prepared under the direction of the Department of State, with the index thereof; and so much of the act entitled "An act to expedite and regulate the printing of public documents, and for other purposes," approved June 25, 1864, as requires the preparation of an alphabetical index, under the direction of the Joint Committee on Printing, be, and the same is hereby, repealed.

The amendment was agreed to.

Mr. SARGENT. I have three amendments, which I send to the clerk, to come in after line 468, on the twentieth page of the bill. I send the first amendment to the desk.

The PRESIDING OFFICER. The amendments will be reported.

The CHIEF CLERK. It is proposed, after line 468, on page 20 of the the bill, to insert:

That the Secretary of State be, and he is hereby, authorized to rent, furnish, and occupy suitable buildings, with grounds appurtenant at Pekin, for the use of the legation in China, at an annual cost not exceeding $5,000; that the period of such lease shall be for two or more years, and with renewals as the Secretary of State shall determine; and that the sum of $5,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. SARGENT. The committee instruct me to offer one other amendment. This amendment is like the bill which on motion of the Committee on Commerce, reported by the Senator from Massachusetts, [Mr. BOUTWELL,] passed yesterday, I think. It has not yet passed the House, and may not. This is the provision which the Senate made with reference to the subject. At the request of Mr. BOUTWELL, and by the instruction of the committee, I offer the following amendment, to come in after the amendment just adopted, on page 20:

That hereafter the salary of the supervising surgeon of the United States marine-hospital service shall be paid out of the marine-hospital fund, at the rate of $4,000 per year, and the supervising surgeon shall be appointed by the President, by and with the advice and consent of the Senate.

The amendment was agreed to.

Mr. MORTON. I desire to have the attention of the Senator from California to part of the bill that we have passed over. I refer him to page 60. Beginning at line 1461, I ask if the amendment striking out that clause was adopted?

Mr. SARGENT. It was adopted.

Mr. MORTON. I ask that that vote be reconsidered. I have here the papers in regard to that provision. It simply authorizes the Secretary of War to settle with Mr. Seibert.

Mr. SARGENT. Was this necessary for grading streets in front of the United States arsenal grounds?

Mr. MORTON. Yes, sir.

Mr. SARGENT. I think it is right to retain the paragraph. I have no objection to a motion to reconsider.

Mr. MORTON. I make that motion.

The PRESIDING OFFICER. The question is on the motion to reconsider the vote by which lines 1461 to 1467, inclusive, on page 60 of the bill, were stricken out.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the committee.

The amendment was rejected.

Mr. MORTON. Now I ask the Senator to allow me to offer an amendment.

Mr. SARGENT. I shall be through in a very few minutes.

Mr. MORTON. Very well.

Mr. SARGENT. On page 74, after line 1803, I move to insert the following amendment, which is according to the estimates recommended by the Department, and ought to be adopted:

For completion of building for custom-house and post-office, Trenton, New Jersey, $100,000.

That completes the building, and the appropriation ought to be made.

The amendment was agreed to.

Mr. SARGENT. I am instructed by the committee to offer the following amendment, which can come in anywhere under "miscellaneous," say on page 19, after line 435:

That the accounting officers of the Treasury Department be, and they are hereby, directed to examine, adjust, and settle the claim of the State of Kentucky for tollage on the use of slack-water navigation of Green and Barren Rivers from November 1, 1861, to June 30, 1865, by the United States Government, the settlement to be made on principles of equity and justice; and that the Secretary of the Treasury be, and he is hereby, directed to pay to the State of Kentucky the amount found due said State on this account out of any money in the Treasury not otherwise appropriated: *Provided*, That said amount shall not exceed $140,000.

Mr. SCOTT. Is that reported by the committee?

Mr. SARGENT. Yes, sir; it is reported by the committee.

Mr. SCOTT. I should like to have an explanation of that. Do I understand it is for tollage because of the use of slack-water navigation by the troops during the war?

Mr. SARGENT. Yes, sir. I would like to have the Senator from Kentucky explain this amendment. He is much more familiar with it than I am.

Mr. STEVENSON. This amendment was adopted by the committee and was suggested by a recommendation of the Secretary of War. I will read what the Secretary of War says:

WAR DEPARTMENT,
Washington City, February 18, 1875.

SIR: I have received your communication of February 17, in which you state that you "have an amendment to the civil miscellaneous appropriation bill directing the accounting officers of the Treasury to examine, adjust, and settle the claim of the State of Kentucky for tollage for the use of slack-water navigation of Green and Barren Rivers from November 1, 1861, to 30th June, 1865, by the United States Government, the settlement to be made on principles of equity and justice; and that the Secretary of the Treasury be, and he is hereby, directed to pay to the State of Kentucky the amount found due said State on this account out of any money in the Treasury of the United States not otherwise appropriated, provided that said amount shall not exceed $140,000;" and you request to be informed if there is any evidence of this claim and of the service rendered and if it meets the sanction of this Department, &c.

In reply I have the honor to say that the claim to which you refer has been under examination for some time in the office of the Quartermaster-General, and he has made a communication to me, from which it appears that while the claim of the State of Kentucky against the United States is a good and valid one, the amount due thereon cannot be ascertained until a large number of vouchers and papers in connection therewith have been examined. This will require time. Hence in my judgment it would be advisable for Congress to authorize the accounting officers of the Treasury to settle, adjust, and pay the claim in accordance with the terms proposed by you.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

Hon. J. W. STEVENSON,
United States Senate.

WAR DEPARTMENT,
Washington City, February 20, 1875.

DEAR SIR: In connection with the claim of the State of Kentucky, about which I addressed you in reply to your communication a few days since, I herewith transmit a preliminary report upon the subject to-day received from the assistant judge-advocate-general, to whom the papers have been referred.

Yours, very respectfully,

WM. W. BELKNAP,
Secretary of War.

HON. J. W. STEVENSON,
United States Senate.

WAR DEPARTMENT, *February* 18, 1875.

In the matter of the claim of the State of Kentucky for tollage for use of slack-water navigation of Green and Barren Rivers by the military authorities of the United States.

To the honorable the Secretary of War:

The State of Kentucky claims tollage for use of slack-water navigation of Green and Barren Rivers by the military authorities of the United States from November 1, 1861, to June 30, 1865, being three years and eight months, at $40,000 per annum, $146,666.66⅔.

The auditor of that State certifies that the locks and dams on those rivers were constructed at a cost of $859,126.79, and that the tolls were regulated by a board of internal improvement.

Lieutenant-Colonel J. A. Ekin, deputy quartermaster-general at Louisville, Kentucky, having been directed to investigate the claim, reports as follows:

"That the United States did use the locks and dams of Green and Barren Rivers in the movement of large bodies of troops and transportation of great quantities of military supplies there can be no doubt. But he adds, 'It is impossible from the testimony submitted to arrive at the number of troops or the quantity of stores passing the locks and dams on Green and Barren Rivers, for which tollage is claimed."

It appears, therefore, that the claim is not in a condition for settlement; but it is believed to be sufficiently established to warrant legislation for its examination and payment. I have no doubt that the State of Kentucky is entitled to just compensation for the use of its improvements; but there being no appropriation available for this purpose, Congress alone can grant relief.

W. M. DUNN,
Assistant Judge-Advocate-General.

On that recommendation the committee put on this claim.

Mr. SCOTT. My attention was arrested by the nature of this claim. It seems that the War Department have been of opinion that they have so far jurisdiction of this claim that they have already entered upon its examination and have so far progressed in the examination that they are inclined to think the claim is just, but that it will be necessary to make an appropriation in advance before they have ascertained the amount. That is one thing that strikes me as peculiar upon hearing the letter of the Secretary of War. But another is this: How was this property occupied? Was this slack-water navigation taken possession of by the Government for the pur-

pose of moving these troops or were vessels owned by the company taken possession of? How was this? What were the circumstances connected with it? I remember very well that the turnpikes of Kentucky were also traversed by the Army of the United States, and in one or two instances it became necessary for the Government to build bridges for the purpose of repairing the devastations that had been made by flood in the State of Kentucky.

Mr. SARGENT. I appeal to the Senator not to delay the bill by debate on the amendment.

Mr. SCOTT. The Senator must excuse me. This claim comes with a recommendation from the Committee on Appropriations. I think the committee would make a point of order if it came in any other way, and there is nothing left to me but to discuss the proposition.

Mr. STEVENSON. I will say to my friend from Pennsylvania that if the Government does not owe five dollars, if it does not owe anything, this amendment does not authorize anything to be taken from the Treasury.

Mr. SCOTT. This is the objection: this is a private claim. The policy of the Senate excludes private claims from general appropriation bills, by a general rule, and I for one am not content that we shall begin to put on the sundry civil bill all the private claims that could secure favorable attention in committee. If we can do that, I would like the privilege as chairman of the Committee on Claims to move every private claim bill that has been examined, reported, and found to deserve payment.

Mr. STEVENSON. This is very extraordinary. Here is the Secretary of War who has undertaken the examination of a claim and who has reported to the Senate Committee on Appropriations that this case ought to be provided for, and that he cannot settle it without this provision. Is there any objection to the settlement of the claim? Is there any objection to auditing it? I hope not.

Mr. BOUTWELL. If I understand the condition of this case, so far as these are vouchers and evidences the officers of the Treasury have the power to pay now. But this is a proposition to allow payment upon the judgment of the officers of the Treasury, without the evidence usually required to substantiate claims against the Government, upon what is called a very indefinite phrase, and a dangerous one in my opinion, in which claims are allowed to be settled "upon the principles of justice and equity." If everything were settled at the Treasury Department on principles of equity and justice, without regard to evidence, you have the action of the officers under whatever influences may be applied to guide and direct and control their conduct.

Mr. MORTON. I hope that this claim will be postponed for the present. I think I know something about this matter, and before there is any appropriation made for the payment of the claim I think it ought to be considered. I hope it will be rejected at this time.

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

The amendment was rejected.

Mr. SARGENT. On page 12, in line 272, after the word "dollars" I move to insert "to be available on the passage of this act." It relates to the appropriation for continuing the inquiry as to the decrease of food-fishes.

The amendment was agreed to.

Mr. SARGENT. I now wish to call up the amendment we passed over on page 8.

The VICE-PRESIDENT. The amendment will be read.

The CHIEF CLERK. The Committee on Appropriations proposed to insert after the word "dollars," in line 170 the following words:

Provided, That from and after the passage of this act, the salary of the district judge of the United States for the eastern district of Wisconsin shall be $5,000 per annum: *Provided further*, That the compensation of the counsel of the United States provided for by section 5 of the act of Congress creating a court of commissioners of Alabama claims, approved June 23, 1874, shall not exceed $10,000 per annum and eight dollars per diem for expenses.

To this an amendment was proposed by the Senator from Arkansas [Mr. CLAYTON] to insert after the words "per annum" the words:

Provided further, That the judge of the eastern district of Arkansas shall be paid at the rate of $5,000 per annum from the date of the resignation of the late judge of the western district of said State, and to continue at said rate while the courts in both the said districts are held by the judge of the eastern district of Arkansas.

Mr. SARGENT. This is to be followed by an amendment to make the salaries of all the district judges $5,000 per annum.

Mr. CARPENTER. Will that be in order?

The VICE-PRESIDENT. It would not be in order as an amendment to this.

Mr. SARGENT. In my judgment it would not be in order, as it is not reported from a committee.

Mr. CARPENTER. The judgment of the Senator is affirmed by the decision of the Chair, so that that objection is disposed of.

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

Mr. CLAYTON. At the time the amendment was proposed last night there was a very thin Senate, and I want to repeat what I said then, that this is a meritorious case. The judge of the eastern district of Arkansas is now performing the double duty of judge of the eastern and of the western district since the resignation of Judge Story. He is now performing a service which the Government has paid heretofore $7,000 per annum for. The territory over which he is holding court is the largest judicial district in the United States. In holding the different courts he has to travel some five or six hundred miles. In going from Little Rock to Fort Smith he has to travel upward of three hundred miles, and the most of this traveling is done by stage. He holds court at three different places. The jurisdiction of the western judicial district of Arkansas is very varied, it is very large, the duties of the judge are very onerous; and it seems to me that while he is performing this double service of holding the courts in his own district and the courts in the other district, where a vacancy exists, he should be paid some additional compensation. I hope no Senator will object to it.

Mr. MORRILL, of Maine. I ask if this is recommended by any committee of the body?

Mr. CLAYTON. It was referred to a committee.

Mr. MORRILL, of Maine. Has it been recommended by any committee?

Mr. CLAYTON. I think not. It strikes me as very peculiar that the committee should recommend an increase——

Mr. MORRILL, of Maine. I raise the question of order.

Mr. CLAYTON. I was going to say that it struck me as being strange that the salary of the district judge of Wisconsin, who has no increased duties, should be raised to $5,000 per annum, while as to this judge who has these increased duties the committee should not report any additional compensation.

Mr. MORRILL, of Maine. I raise the point of order on this proposition.

The VICE-PRESIDENT. The Chair is of the opinion that the amendment of the Senator from Arkansas, as it increases the amount of the appropriation, is not in order.

Mr. EDMUNDS. I wish to say upon this subject, as I suppose the amendment recommended by the committee is still pending, so that the Senator from Arkansas and other Senators may understand my position, that this amendment reported by the Committee on Appropriations does not meet my approval. I do not think it the way to legislate in respect of salaries to stuff them into appropriation bills. I have always thought so, and whether it worked well or ill for particular friends and constituents of mine or not I have endeavored to stand by it. The district judge of Vermont ought to have his salary increased, as he thinks, and as a great many other people do. He has to hold court a large part of the time out of his district in the city of New York. But the appropriation bills are no places to adjust those affairs. I wish my friend from Arkansas and other gentlemen to understand why I do not concur in this amendment.

The VICE-PRESIDENT. The question is on the amendment reported by the Committee on Appropriations.

Mr. CARPENTER. I ask for the yeas and nays for the purpose of making a few remarks in order.

The yeas and nays were ordered.

Mr. SARGENT. I wish to make one remark. The last proviso I suppose nobody objects to, ["Yes," "yes,"] limiting the compensation of our counsel before the Alabama claims commission. If we do not limit it, it will be five times that amount.

Mr. MERRIMON. I offered an amendment last night which has not yet been read as far as I know.

The VICE-PRESIDENT. It was not in order.

Mr. MERRIMON. I offered it as an amendment to the amendment.

Mr. CONKLING. The Senator will remember that his amendment was not in order. There were two amendments pending, and it was so announced, and then the Senator gave notice that he would at a future time offer the amendment that he now refers to.

Mr. MERRIMON. I think it is in order now to offer it.

Mr. CLAYTON. I understood the Chair to decide that the amendment I offered was out of order for the reason that it increased the appropriation. I would call the attention of the Chair to the fact that it does not increase the appropriation. The appropriation remains the same. If the Chair will examine the amendment, I think he will see that it does not increase the appropriation. There is a certain amount appropriated for this purpose. I should like the Chair to examine that matter and see if this point is not well taken. If the amendment does increase the appropriation, of course it is out of order; but if it does not increase the appropriation, it does not come under the prohibition of the rule.

The VICE-PRESIDENT. The amendment now before the Senate is the one reported from the Committee on Appropriations.

Mr. MERRIMON. I move an amendment to that amendment.

The VICE-PRESIDENT. The amendment of the Senator from North Carolina will be read.

Mr. MERRIMON. I move to amend in line 172 by adding after the word "judge" the letter "s" and striking out in lines 172 and 173 the words "for the eastern district of Wisconsin;" so that it will read:

That from and after the passage of this act the salary of the district judges of the United States shall be $5,000 per annum.

Mr. SARGENT. I raise the point of order that that increases the appropriation and has not been recommended by any committee.

The VICE-PRESIDENT. The Chair rules that the point of order is well taken.

Mr. CLAYTON. Do I understand the Chair still to decide that the amendment offered by me is out of order?

The VICE-PRESIDENT. The Chair so decided and adheres to its decision.

Mr. CARPENTER. Mr. President, I ask the indulgence of the Senate for a few moments in the consideration of this amendment to pay the district judge of the eastern district of Wisconsin a salary of $5,000. I shall be very brief. I know there are some Senators who are opposed to raising the salaries of any of the judges; others think the salaries of the Federal judges in their own States ought to be increased, and will perhaps attempt to add to this bill provisions in their behalf.

In the eastern district of Wisconsin, on the death of Judge Miller, a short time since, the vacancy was filled by the appointment of Hon. James H. Howe; but, on reflection, he concluded he could not afford to serve for such a nominal salary as $3,500, and resigned and entered into other business, which I suppose pays him more than three times as much.

The bar then, almost unanimously, recommended the appointment of Hon. Charles E. Dyer, but he declined, not feeling able to give up a practice worth from six to ten thousand dollars annually for a position on the bench at $3,500. He was prevailed upon, however, by the bar to accept the position, in the hope and with the assurance that they would exert themselves to procure an increase of compensation. He is now in office and will adorn the bench, if such compensation can be provided for him as will enable him to remain there.

He is about thirty-five years of age, every inch a lawyer, a scholar, and a gentleman. He has the admiration of the bar and the confidence of the community. He will make a model judge. I am very anxious to have his compensation fixed with some proper regard for the value of his services. I concede that the salary should be fixed for the office and not for a particular occupant. But I submit that I have described the kind of a judge who ought always to be on the bench in that district; and that the salary proposed by this amendment, which has been recommended by the Senate Committee on the Judiciary and by the Committee on Appropriations, is necessary to insure such a judge at all times.

Wisconsin belongs to the same circuit with Illinois and Indiana. It is impossible for the circuit judge to hold all the terms of the circuit court in our district, and they must be held by the district judge. This makes it important that we should have a good district judge, and less than $5,000 is not an adequate compensation.

I hope the Senate will stand by the two committees and agree to this amendment.

Mr. BAYARD. Is the question upon the first part of the amendment or upon the whole, as reported by the committee?

The VICE-PRESIDENT. Upon the entire amendment.

Mr. CARPENTER. I ask for a division of the question. Let the question be first put on fixing the salary of the judge in Wisconsin.

The VICE-PRESIDENT. The Senator from Wisconsin asks for a division of the question.

Mr. WRIGHT. That question was raised last evening and it was decided that it was not in order to take a division, and my colleague moved to strike out that part of the amendment so as to raise the question.

Mr. CARPENTER. I think it is in order to have a division. The questions here are two separate provisions relating to totally different subjects.

Mr. WRIGHT. It was decided otherwise yesterday. My colleague therefore, for the purpose of raising the question, moved to strike out so much of the amendment as related to the judge in Wisconsin, and that brings up the question directly.

Mr. CARPENTER. Very well.

Mr. SARGENT. I give notice that I shall move to lay it on the table if we do not come to a vote very soon.

Mr. WRIGHT. I only desire to say a word. I have no disposition at the proper time to interpose any objection to a proper increase of judicial salaries; but it is proposed to increase the salary of the judge in this district beyond that of any other judge in the United States, save one in the State of California. In every other State there is no salary exceeding $4,000. Thirty-five hundred or four thousand dollars is the largest amount elsewhere. In the great State of Pennsylvania, in New York, in Indiana, in all the other States the largest salary is $4,000. Now, it is proposed to make the salary of this district judge $5,000, more than in any other State except the State of California. I am exceedingly anxious to accommodate my friend from Wisconsin, but I do think this is a distinction invidious in its character, and I do not think it ought to be recognized by the Senate.

The case of Arkansas, that was referred to by the Senator from Arkansas, is one of glaring wrong, where the judge, I feel bound to say, has five times the amount of work that a judge can have in Wisconsin, and I doubt not it is so in the State of Indiana, and I know it is so in my own State. If the Senate are prepared to make this distinction, and all other States are to be kept out upon a point of order, then let them take the vote.

Mr. MERRIMON. The Senator from Indiana a moment ago took the exception that the amendment I offered was a sort of general legislation and not appropriate to an appropriation bill. I think he is correct in that, but there are a great many precedents to the contrary. Now, I beg to raise a point of order. The Chair ruled a while ago that my amendment was out of order because it increased the appropriation. With all deference to the Chair I think that is a mistake. I do not propose to increase the amount appropriated by this bill one single dollar. I simply propose by a general provision to increase the salaries of the judges. There is no provision in this bill at all appropriating for salaries of judges. It is a clause of general law to be incorporated into an appropriation bill. I maintain, therefore, that my amendment does not increase the amount of money appropriated, and therefore is not obnoxious to the objection which was sustained by the Chair.

Mr. SARGENT. Unless we can have a vote I shall move to lay all the amendments on the table.

Mr. HAMILTON, of Texas, and others rose.

Mr. SARGENT. I see several Senators are rising to speak. I move to lay the whole amendment on the table.

The VICE-PRESIDENT. The motion is to lay the amendment on the table.

Mr. CARPENTER called for the yeas and nays, and they were ordered.

Mr. CONKLING. I wish to ask a question of the Chair. Does this motion, if it prevails, carry the whole amendment from line 170 to 180, not only that touching Wisconsin but also touching the court of commissioners of Alabama claims?

Mr. SARGENT. It is very easy to offer the other part of it, as it has been ruled we cannot dissever and divide the amendment.

Mr. HAMLIN. Let us have that ruling corrected, because it is not parliamentary law.

Mr. SARGENT. Is this discussion in order? The motion is to lay on the table.

Mr. CONKLING. It is in order to ask a question of the Chair.

Mr. SARGENT. It is no more use to pass a provision for a judge's salary in this bill if you cannot pass it in half an hour, than it is——

Mr. CONKLING. The Senator is now out of order himself. I simply asked the question of the Chair what is the motion?

The VICE-PRESIDENT. The Chair understood the motion was to lay on the table that portion of the amendment which the Senator from Iowa [Mr. ALLISON] moved to strike out. The Chair may be misinformed.

Mr. CONKLING. Then, although not divisible, you can move to lay part of it on the table?

Mr. SARGENT. I do not know what the question is now.

Mr. SHERMAN. The motion only carries the first proviso to the table.

Mr. WRIGHT. I should like to know exactly what the question is.

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

Mr. SHERMAN. What part of the amendment?

The VICE-PRESIDENT. That part which the Senator from Iowa [Mr. ALLISON] moved to strike out, which will be reported if desired.

Mr. MORTON. I desire to ask a question. Is the motion to lay on the table applicable to the whole amendment of the committee or only to a part of it?

The VICE-PRESIDENT. To the portion that the Senator from Iowa moved to strike out.

Mr. EDMUNDS. That part relating to Wisconsin?

The VICE-PRESIDENT. The Chair understood the motion was to lay that portion on the table.

Mr. SARGENT. I moved to lay on the table. I did not move to lay any such motion on the table. I moved to lay the whole amendment on the table; not the motion of the Senator from Iowa to strike out, but the amendment read by the Clerk. I want to lay the matter itself on the table.

The VICE-PRESIDENT. The Senator from California states that he moved to lay the whole on the table, and the Chair will put the question in that form.

Mr. HAMLIN. Now I ask for a division of the question; and let us here and now have that matter decided. The Senator from Iowa said that it was ruled last night that it was not in order to divide this amendment. I did not understand any such thing. There was an intimation from the occupant of the chair that it was in order, and it was rather acquiesced in. Any proposition, whether it be an amendment to go into the bill or be a clause in the bill to be stricken out, which contains two or more distinctive propositions can be divided. I therefore move to divide the question of laying upon the table, first the part which relates to the salary of the Wisconsin judge.

Mr. SARGENT. I have no objection to that, if we can do it without wasting time.

The VICE-PRESIDENT. If there be no objection the question will be taken in that form. The question is on laying that part of the amendment relative to the judge of the eastern district of Wisconsin on the table.

The question being taken by yeas and nays, resulted—yeas 31, nays 27; as follows:

YEAS—Messrs. Alcorn, Allison, Anthony, Bogy, Boreman, Boutwell, Cameron, Clayton, Davis, Edmunds, Ferry of Connecticut, Goldthwaite, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Hitchcock, Kelly, McCreery, Merrimon, Norwood, Oglesby, Pratt, Robertson, Sargent, Scott, Sherman, Sprague, Wadleigh, Washburn, and Wright—31.

NAYS—Messrs. Bayard, Carpenter, Conkling, Cooper, Dennis, Dorsey, Eaton, Ferry of Michigan, Flanagan, Frelinghuysen, Gordon, Harvey, Howe, Ingalls, Jones, Logan, Mitchell, Morrill of Maine, Patterson, Ransom, Saulsbury, Spencer, Stevenson, Stewart, Tipton, West, and Windom—27.

ABSENT—Messrs. Brownlow, Chandler, Conover, Cragin, Fenton, Gilbert, Johnston, Lewis, Morrill of Vermont, Morton, Pease, Ramsey, Schurz, Stockton, and Thurman—15.

So the motion to lay on the table was agreed to.

The VICE-PRESIDENT. The question recurs on the residue of the amendment.

Mr. CARPENTER. The question is on agreeing to that part of the amendment which was not laid on the table, I take it.

Mr. SARGENT. Yes, sir.

Mr. CARPENTER. Let us have that question.

Mr. BAYARD. I wish to offer an amendment to the amendment.

Mr. CLAYTON. Let us have the amendment read.

Mr. BAYARD. I move to amend in lines 178 and 179 by striking out the word "ten" and inserting the word "eight," and striking out in line 179 the words "and eight dollars per diem for expenses."

The VICE-PRESIDENT. The question is on the amendment of the Senator from Delaware to the amendment. The amendment and the amendment to the amendment will be read.

The SECRETARY. The amendment of the committee is as follows:

Provided further, That the compensation of the counsel of the United States provided for by section 5 of the act of Congress creating a court of commissioners of Alabama claims, approved June 23, 1874, shall not exceed $10,000 per annum, and eight dollars per diem for expenses.

It is proposed to amend by striking out "$10,000" and inserting "$8,000," and also by striking out "and eight dollars per diem for expenses."

Mr. BAYARD. I wish merely to state that the present amendment will give the counsel before that court a salary of $12,500 a year. As the salaries of each of these judges is $6,000 a year and as the salary of the Attorney-General of the United States is $8,000, I propose to put that counsel on a level with the Attorney-General of the United States, a Cabinet officer, and to pay him a salary of $8,000, which it seems to me is enough for his services.

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

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question now is on the amendment as amended.

Mr. SARGENT. The word "further" should be stricken out after the word "provided."

The VICE-PRESIDENT. That verbal amendment will be made. The question is on the amendment as amended.

The amendment, as amended, was agreed to.

Mr. SHERMAN. I wish to offer an amendment from the Committee on Finance as an additional section.

Mr. SARGENT. Let us act upon the amendment passed over on page 17.

Mr. SHERMAN. The provision from line 392 to 397 is in the District bill passed last night. Therefore it ought to be stricken out.

Mr. SARGENT. Has that passed both Houses?

Mr. SHERMAN. Yes, sir; it is the law now.

The VICE-PRESIDENT. The amendment will be reported.

Mr. SHERMAN. Line 392 to 397 is now in the law.

Mr. SARGENT. Down to the word "provided," in line 397?

Mr. SHERMAN. Yes, sir. So the clause on page 18, from line 412 to 420, was in the same act passed last night, and consequently it ought not to be repeated here.

Mr. SARGENT. I have no objection on that statement that both these clauses be stricken out.

The VICE-PRESIDENT. The lines mentioned by the Senator from Ohio will be stricken out if there be no objection. The Chair hears none.

The CHIEF CLERK. The amendment which was passed over, as now amended, reads, beginning with line 386 on page 17:

To pay the interest on the 3.65 bonds issued under the act entitled "An act for the government of the District of Columbia, and for other purposes," $365,000: *Provided*, That certificates for claims presented and allowed under the sixth section of the act aforesaid shall be presented for conversion, as provided by the seventh section of said act, within ninety days from the passage of this act, and, as to certificates of date subsequent to the passage of this act, within ninety days from the date of such certificate; and if not so presented, the privilege of thus exchanging shall not be exercised by any holder of such claim; and the sinking-fund commissioners of the District of Columbia are prohibited from issuing any bonds under the seventh section of the act hereinbefore referred to in exchange for any certificate unless presented within the time herein specified; and the salary of the commissioner of the sinking fund acting as treasurer thereof shall be $1,000 per annum.

Mr. SHERMAN. Yes; that is right.

The amendment was agreed to.

Mr. SHERMAN. Now I offer the following amendment from the Committee on Finance as an additional section:

SEC. —. That the Secretary of the Treasury is hereby authorized, at such times as may be necessary, for the purpose of obtaining bonds for the sinking fund, in compliance with sections 3694 to 3697, inclusive, of the Revised Statutes of the United States, to give public notice that he will redeem in coin, at par, any bonds of the United States bearing interest at the rate of 6 per cent., of the kind known as five-twenties; and in three months after the date of such public notice the interest on the bonds so selected and called for payment shall cease.

The explanation is this: Under the existing law, if the Secretary wishes to buy bonds for the sinking fund he has to go into the market. He cannot buy any bonds at less than par now, and he has to pay more than par for them, while he has a right under a general law to pay off some of the five-twenties.

The amendment was agreed to.

Mr. EDMUNDS. I rise to make an inquiry. I wish to inquire of the Chair if on page 18 lines 412 to 420 are now stricken out?

The VICE-PRESIDENT. The Chair is informed they are.

Mr. LOGAN. On page 16 the paragraph from line 380 to 385 reads:

To pay on behalf of the United States, as a portion of the general expenses of the District of Columbia, to be expended by the commissioners of said District, $1,060,000, only to be drawn successively; no salaries to be changed from the standard fixed under act of June 20, 1874.

I move after the words "1874" to insert:

Provided, That the amount of $100,000 hereby appropriated shall be used for the payment of the laborers of the board of public works and the laborers of the contractors and sub-contractors of the board of public works and of the District of Columbia, and the comptroller of the District of Columbia is hereby appointed the disbursing officer to see that the amount of $100,000 is expended according to the provisions of this amendment.

Mr. SARGENT. I am very much afraid that these propositions come from claim agents; that is, from men who make a percentage on the laborers on the ground that they render meritorious services in preventing money from passing away from them. I believe the commissioners of the District will honestly pay this money out to the laborers and everybody else. It may be that this proposition covers—I do not say it does, but I had a suspicion last year from something I knew, and I have now from something I heard of it this year—that this proposition covers 5 or 10 per cent. assessment on laborers to whom this money is due. I think we had better leave it in the hands of the commissioners rather than put in this provision.

Mr. SHERMAN. On account of the tax bill for the District passed last night, which postpones the enforcement of the old tax until the 1st of July, it will be necessary to have a portion of this appropriation made available during this fiscal year; and I desire to offer at the same time a provision that $300,000 of this appropriation be made available from the passage of this act.

Mr. LOGAN. In answer to the remark made by the Senator from California, I wish to say that so far as I am concerned I am certainly not prompted by any claim agent or any persons having claims. The way I came to offer this amendment is this: An old colored man came to me, and has been to me a dozen times, I suppose, stating that he had employed, I do not remember the number, but I think about a hundred hands under a contract, and he stated that he had not been able to pay his men one dollar, and he had been sued three hundred times. I do not know anything about the statement, whether it be true or false, but that is what he stated to me. He said that it was impossible for him to pay his men, and he was sued time and again by different men because he could not pay them, not having got a dollar on his contract. I was prompted by that statement by this man and similar statements from other laboring men who told me that they had not got a dollar, and I thought it would be fair at least that some portion of the $1,000,000 appropriated here for the benefit of the city, to be disbursed by these commissioners, should be used to pay some of these men who are entitled to pay for their labor in the District. So far as the contractors are concerned, I know nothing about them and care nothing about them or the claim agents either. Under this proviso the auditor would be authorized to pay, not claim agents, but the men to whom money is due for their labor. All the interest I have in it is to try and see that these men are paid at some time by somebody. I was prompted by the statement of these men to me to ask that a portion of this money at least be paid to these laborers. I do not know anything about the contractors.

Mr. ALCORN. I am very much inclined from what I know to support the amendment of the Senator from Illinois; and unless the matter is explained satisfactorily to me to show that it is not proper, I shall support it. Complaints have been made to me that the laborers have been badly treated; that the poor colored men and the Irish who labor for their bread have not been paid, while those who have large interests have been looked to. I am here to represent that class of people who have been overlooked, if they have been overlooked in truth, and to see that the laborer here who has been denied his pay shall be recognized as having a demand upon the Government for the money that is due him. I ask the Senator from Ohio who suggests that these people have been paid to explain the case to us; and if it is not proper that this amendment should prevail, that we should be given the reasons why.

Mr. THURMAN. I want to call the attention of my friend from Illinois first to the fact that the law gives ample authority to the commissioners to pay these laborers, to pay all laborers out of any means within their control, so that no change in the law is necessary. In the second place, I am authorized by the commissioners to say that they have paid all debts for labor that have been presented to them and are prepared to pay the accruing wages of laborers as they may become due. The effect of this amendment, if adopted, would be to say that this money shall be applied in a particular way, when it may not be needed for any such purpose, and would in effect therefore be to destroy the appropriation to that extent.

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

The amendment was rejected.

Mr. SHERMAN. I now offer the amendment I suggested, to insert after line 385—

That $300,000 of said sum shall be available from the passage of this act.

Mr. SARGENT. Say "available immediately."

Mr. SHERMAN. "Available from the passage of this act." I explained the reason of that.

The amendment was agreed to.

Mr. EDMUNDS. I wish to ask the Senator in charge of the bill what is the meaning of the words "only to be drawn successively," on line 383.

Mr. SARGENT. That is the language used by the House. I understand it to mean that the money shall only be drawn as it is necessary to use it. If it means anything more than that, I shall be obliged to the Senator to explain it or to try if he cannot make the language more apt. This language is in the original House bill and I understand that to be the meaning of it.

Mr. THURMAN. I understand the meaning is that they shall not draw it all at once but only as they need it.

Mr. SARGENT. I think that is the meaning of it.

Mr. EDMUNDS. I move to strike out the word "successively" in line 383 and insert the words "as needed for immediate use," so that there will be no mistake.

Mr. SARGENT. That is good.

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had on the 2d instant approved and signed the following acts:

An act (S. No. 459) for the relief of William J. Patton;

An act (S. No. 674) to relieve C. D. Anderson of his political disabilities; and

An act (S. No. 958) for the relief of J. E. D. Couzins, of Saint Louis.

The message also announced the President had this day approved and signed the act (S. No. 588) approving the action taken by the Secretary of War under the act approved July 15, 1870, and to provide for repayment of certain moneys paid to officers mustered out of the Army as supernumerary but subsequently reappointed by the President.

LEGISLATIVE, ETC., APPROPRIATION BILL.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House further insisted upon its disagreement to the amendments of the Senate to the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes, and asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HORACE MAYNARD of Tennessee, Mr. CHARLES O'NEILL of Pennsylvania, and Mr. JAMES C. ROBINSON of Illinois, managers at the further conference on its part.

SUNDRY CIVIL APPROPRIATION BILL.

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

Mr. MORRILL, of Vermont. I offer an amendment to insert after line 1008:

For terrace, with vaults, on west face and north and south returns to porticos, and solid wall for the remainder, according to plans and under the direction of Fred. Law Olmsted, to be expended by the Architect of the Capitol, $300,000, which sum shall be available from and after the passage of this act.

Several SENATORS. All right!

Mr. MORRILL, of Vermont. I will not say a word if all are in favor of it.

A division was called for.

Mr. MORRILL, of Vermont. This is for the completion of the western front of the Capitol. It is in accordance with the plans that have been seen by most Senators and I think approved by every one who has seen them, made by Mr. Olmsted. It is to have a terrace extended on the western front and the ends, so that it will be fifty feet wide and it will cover vaults to the number of fifty-six, forty feet in length and ten feet wide, that will answer for the storage of half a million documents, which room is very urgently needed both by Congress and by the Departments that have accumulated large amounts of documents which need to be stowed away. It will require something more than another year to finish it. This will finish the two ends and the front as far as the center part, leaving the center part to be appropriated for hereafter.

I trust that, having increased the appropriations for public buildings in the various cities, we shall be willing to take this small amount comparatively to what we appropriated for Cincinnati, for Chicago, for Saint Louis, for Philadelphia, and for New York, for the final completion of this Capitol.

Mr. THURMAN. I wish to put a question to the Senator from Vermont. This appropriation that is suggested, if I understood the reading of the amendment, is $300,000?

Mr. MORRILL, of Vermont. It is.

Mr. THURMAN. To improve the grounds on the west end of the Capitol, in pursuance of the plan of Mr. Olmsted. Am I right in that?

Mr. MORRILL, of Vermont. It is for the terrace.

Mr. THURMAN. Three hundred thousand dollars for the terrace?

Mr. MORRILL, of Vermont. Yes, sir.

Mr. THURMAN. For the terrace alone?

Mr. MORRILL, of Vermont. And vaults; and I will say that if we appropriated a proper sum merely for the taking care of these documents it would require a building that would cost a larger amount than all that I ask for at the present time. This has been recommended unanimously by the Committee on Public Buildings and Grounds. I have never yet seen a republican or democrat of either House that did not approve of the plan. I have never seen an architect that did not approve of the plan. I have no doubt that the Committee on Appropriations would have brought it back here included in this bill if we had passed the tax and tariff bill before they considered the subject.

Mr. THURMAN. If these $300,000 were to be expended in beautifying the Capitol or the grounds on the west of the Capitol——

Mr. MORRILL, of Vermont. Perfectly plain work.

Mr. THURMAN. Then there might be something in this in the eye of an artist; but if we are to expend $300,000 to make some damp vaults to stow away old documents to feed rats, I think we shall be throwing away our money just about as foolishly as any one can possibly suppose.

Mr. EDMUNDS. Has the Senator seen the design as it is prepared by Mr. Olmsted?

Mr. THURMAN. No, sir, I have not seen it, and I do not like to vote in the dark on what I have not seen.

Mr. EDMUNDS. I think if the Senator had seen the design he would have been satisfied that it is a very great improvement in the appearance of the Capitol, to say nothing of the vaults.

Mr. THURMAN. But I did not understand the Senator's colleague as advocating it on the ground of improving the appearance, but he wants to save these old documents.

Mr. MORRILL, of Vermont. No, Mr. President; I had supposed that the Senator from Ohio had seen the plan and understood it, and that he knew that in addition to being a great improvement to the Capitol it would also serve the useful purpose which I suggested.

Mr. THURMAN. The useful purpose of putting these old documents where the moth doth corrupt and where the rats do eat and thrive. [Laughter.]

Mr. MORRILL, of Vermont. The Senator cannot be unaware that at the Treasury Department the corridors are completely filled with documents that must be preserved for generations, and there must be room made for them. They have got to be supplied with some place. We can also take all the inferior copyright books, the duplicate books, and stow those away.

Mr. THURMAN. When the proper time comes I shall endeavor to show that what has been said by other Senators is strictly correct, that you must have some other place to keep the books; but a cellar or a vault is not the place to keep books. At all events, when you are taxing the people thirty-odd millions, now, in the present condition of the country, I am not willing to vote $100,000 to make a cellar to keep old books in.

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

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

The yeas and nays were ordered.

Mr. CAMERON. I would like to say a word before the yeas and nays are taken. Happening to be a member of the Committee on Public Buildings and Grounds, I have become acquainted with this subject. The witticisms of the Senator from Ohio have entirely changed the current on this question here. He has made the Senate believe that this is a mere convenience for keeping documents. It is no such thing. It is an improvement necessary for the protection of the Capitol, to add to its beauty. This Capitol cannot be perfect, as the architect says and as the experienced gentleman who is employed to take care of the grounds says, without this expenditure. The making of the vaults is not merely to take care of the documents. The vaults will be there and if by those in authority it is deemed necessary to put documents there they will be placed there; but if there was not a document to be cared for this expenditure is necessary to make this Capitol perfect, and I am sure that every Senator feels an interest in the beauty, the strength, and the perpetuity, I was going to say, of this Capitol, for I trust it will live as long as time shall last.

Mr. ALLISON. I only desire to say one word in reference to this proposition. The Committee on the Library have had under consideration the extension of the west front some thirty-four feet. Now, as I understand it, this proposition of a terrace will interfere with that question of the extension of the west front. I think we ought not to engage in the construction of this terrace until we have settled finally the question of improving the Capitol on the west front. Therefore I hope the amendment will not be adopted.

Mr. MORTON. To test this question I move to lay the amendment on the table.

The motion was agreed to; there being on a division—ayes 23, noes 18.

INDIAN APPROPRIATION BILL.

Mr. WINDOM. I suppose I may have consent to submit a conference report on the Indian bill?

Mr. SARGENT. Certainly.

Mr. WINDOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on House bill No. 3821, making appropriations for the current and contingent expenses of the Indian service for the fiscal year ending June 30, 1876, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from its amendments numbered 26, 31, 32, 33, 34, 57, 58, and 59.

That the House recede from its disagreement to the amendments of the Senate numbered 27, 35, 49, 51, and 54.

That the House recede from its disagreement to the amendment numbered 25, and agree to the same with an amendment, as follows: Strike out the words "seventy-five" and insert in lieu thereof the word "fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 28, and agree to the same with an amendment as follows: Strike out the words proposed to be inserted and insert in lieu thereof the word "for," and after the following words, "one hundred," insert the word "fifty;" so it will read "four hundred and fifty thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 34, and agree to the same with an amendment, as follows: Strike out the word "thirty" and insert in lieu thereof "fifteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows: Strike out the word "twenty" and insert in lieu thereof the word "ten" and at the end of said amendment insert the words "which shall be available at once."

That the House recede from its disagreement to the amendment numbered 52, and agree to the same with an amendment, as follows: Strike out the last word of said amendment, and insert in lieu thereof the words "reduced to one thousand acres, to be selected by the Secretary of the Interior, and in such manner as not to include the claim of any settler or miner;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 53, and agree to the same with an amendment, as follows: In lieu of the word "fifty" insert the word "forty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 63, and agree to the same with an amendment, as follows: Strike out the entire paragraph; and the Senate agree to the same.

That the Senate recede from its disagreement to the amendments of the House to the thirty-ninth amendment of the Senate, and agree to the same.

That the Senate recede from its disagreement to the forty-first and forty-fourth amendments of the House, and agree to the same.

That the House recede from its disagreement to the amendment numbered 64, and agree to the same with an amendment, as follows: At the end of said amendment add the following: "And the United States assistant treasurer at Saint Louis, Missouri, be, and he hereby is, authorized to open and keep accounts with the duly constituted treasurer of the Cherokee, Creek, Choctaw, and Chickasaw Nations of Indians, the same as with Government agents and disbursing officers;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same, so that it shall read "$1,000."

That the House recede from its disagreement to the amendment numbered 80, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 84, and agree to the same.

WILLIAM WINDOM,
WILLIAM B. ALLISON,
J. W. STEVENSON,
Managers on the part of the Senate.
WILLIAM LOUGHRIDGE,
J. C. PARKER,
JOHN HANCOCK,
Managers on the part of the House.

The report was concurred in.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. McCREERY 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.

SUNDRY CIVIL APPROPRIATION BILL.

The PRESIDING OFFICER. House bill No. 4729 is before the Senate as in Committee of the Whole.

Mr. CHANDLER. I offer this amendment, to come in after line 603:

For rebuilding light-house at Windmill Point, at the entrance to Lake Saint Clair, Michigan, $18,000.

Mr. SARGENT. Is that reported from a committee?

Mr. CHANDLER. Yes, sir; from the Committee on Commerce; and here is what the Light-House Board say——

Mr. SARGENT. When was the report made?

Mr. CHANDLER. Made yesterday, or the day before, by order of the Committee on Commerce.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The question is on the amendment of the Senator from Michigan.

The amendment was agreed to.

Mr. FERRY, of Michigan. I offer the following amendment, to be inserted after line 1805:

For continuation of building for custom-house and post-office at Grand Rapids Michigan, $50,000.

I am not disposed to take up the time of the Senate at this late hour. I will merely state that this is in pursuance of a recommendation of the Treasury Department, and I hope the amendment will prevail.

Mr. SARGENT. I oppose the amendment. I do not wish to talk.

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

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

Mr. SARGENT. I ask for a count, to see whether the yeas and nays are ordered.

The PRESIDING OFFICER. The Chair will direct the Clerk to count the Senators who second the call for the yeas and nays. Those who do so will rise.

Seven Senators rose to second the call.

The PRESIDING OFFICER. The yeas and nays are not ordered, one-fifth of the Senators present not seconding the call.

Mr. FERRY, of Michigan. Now, Mr. President, I will say a word; I will not take up time. The State of Michigan is divided into two judicial districts. This amendment is to supply a court-house in a city of thirty thousand inhabitants where a court is held. Of course the building is necessary also for post-office purposes and for the pension agent and the collector of internal revenue. The Department have recommended it. The building proposed is authorized by the law to cost $200,000. I deferred before asking for an appropriation and I referred this amendment to the committee, but for some reason the committee did not consider it, or at least it does not appear in the bill in the Senate.

I think the Senator from California in his haste to refuse the yeas and nays upon this question has not been entirely courteous. He seems to think that there has been a disposition to consume time. I wish to say that so far as I am concerned I have done all I could to facilitate the progress of this bill, and I think it hardly courteous on the part of the Senator from California to shut out this amendment. I say it in good temper—and especially when my little amendment is sandwiched between an appropriation here for California of $100,000 and one for Missouri of $500,000. It seems to me the Senator could very easily swallow this. Without saying anything more, I ask for a vote.

Mr. SARGENT. The provisions in the bill to which the Senator refers came from the House of Representatives; I am not responsible for them in any way, and unquestionably they are for the public service. The same committee that reported them examined the Senator's proposition and rejected it, not at my instance; I do not know who is to blame for it. I know it is not recommended by the Committee on Appropriations of the Senate. I simply stated that I opposed it. Now I do not know whether Senators want this bill to pass or not. The Senator says he did not intend to be discourteous to me. I will simply say that I consider it my duty, as having charge of this bill, if it is to be passed, to object to everything and not take up time in trying to persuade Senators, and I think that when the Senate by a full rising vote shows just what it wishes in reference to amendments, that is a fair taking of the question without consuming time in taking the yeas and nays.

Mr. FERRY, of Michigan. Now, if the Senator is sure——

Mr. SARGENT. No, sir; I am not sure. I move to lay the amendment on the table.

Mr. FERRY, of Michigan. Will the Senator give me one minute? I think I have not occupied on this bill over three minutes.

Mr. SARGENT. I have not spoken about the merits of the proposition at all, and I do not care to discuss personal matters with a Senator when he states that he does not desire to be discourteous.

Mr. FERRY, of Michigan. Will the Senator give me one minute? Then I will ask for a vote, and I think the Senate will sustain me.

Mr. SARGENT. What does the Senator desire? I do not understand him. I will give him a minute, of course.

Mr. FERRY, of Michigan. If the Senator shows the same spirit that I show and that should be shown to his peers here, I think he will get along sooner with this bill. I will merely say the Government has purchased this land, and the erection of the building is recommended by the Department. All I ask is a fair vote on the question.

Mr. HAMILTON, of Maryland. The Senator said this is to cost $200,000 for a court-house in Michigan. That means $400,000.

Mr. FERRY, of Michigan. That is settled by law. This structure is to cost not $500,000 nor $1,000,000, but it is $200,000; that is the limit authorized by law; and the amendment asks for but $50,000 in order to prosecute the work. I ask for a vote.

Mr. SARGENT. Now if we can have a vote I will withdraw the motion to lay on the table.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 31, nays 18; as follows:

YEAS—Messrs. Anthony, Boreman, Boutwell, Cameron, Chandler, Conkling, Conover, Cooper, Dorsey, Ferry of Michigan, Flanagan, Frelinghuysen, Hamilton of Texas, Harvey, Hitchcock, Howe, Ingalls, Logan, Mitchell, Morrill of Vermont, Morton, Oglesby, Patterson, Pease, Pratt, Ramsey, Ransom, Scott, Stevenson, Wadleigh, and Windom—31.

NAYS—Messrs. Alcorn, Allison, Clayton, Eaton, Ferry of Connecticut, Goldthwaite, Hamilton of Maryland, Jones, Kelly, McCreery, Merrimon, Morrill of Maine, Norwood, Robertson, Sargent, Sprague, Stewart, and Washburn—18.

ABSENT—Messrs. Bayard, Bogy, Brownlow, Carpenter, Cragin, Davis, Dennis, Edmunds, Fenton, Gilbert, Gordon, Hager, Hamlin, Johnston, Lewis, Saulsbury, Schurz, Sherman, Spencer, Stockton, Thurman, Tipton, West, and Wright—24.

So the amendment was agreed to.

Mr. SCOTT. I offer an amendment by instruction of the Committee on Finance, of which notice has been given.

The amendment was read, as follows:

SEC. —. That the Secretary of the Treasury be, and hereby is, authorized to purchase, for the use of the United States, the building occupied and owned by the Freedmen's Savings and Trust Company, in the city of Washington, District of Columbia, together with other real estate adjacent thereto, running about one hundred and sixteen feet on Pennsylvania Avenue and about one hundred and thirty-six feet on street numbered Fifteen and a half, being the west half of lot No. 3, all of lots 4 5, 6, 7, and the south half of lot No. 8, in square No. 221, as laid out and recorded in the original plats or plan of said city, supposed to contain about twenty-three thousand feet, be the same more or less; and for this object the Secretary of the Treasury is hereby authorized to issue and dispose of United States 5-per cent. bonds, heretofore authorized by law, at not less than par in gold, and to use the proceeds in paying for said real estate at a price not exceeding $315,000: *Provided*, That no payment shall be made of the same until after the Attorney-General shall be satisfied that an indefeasible title to the said real estate will be conveyed to the United States.

Mr. SCOTT. I desire to make a very brief explanation, and then I shall not detain the Senate. Quite a number of petitions were presented asking that the Government indemnify the depositors who have lost by the failure of the Freedman's Savings and Trust Company. A bill was introduced for that purpose. I reported it adversely from the Finance Committee. Here is a property situated immediately opposite the Treasury building, a portion of which is now occupied by the Attorney-General's Office, and for that portion alone $17,000 a year has heretofore been paid annually in rent. This proposes to buy the whole, at a sum not exceeding $315,000, by the sale of bonds at par in gold for that amount, the interest upon which will really be less than the rent that has heretofore been paid for one portion of the property. The Committee on Finance have deemed this a proper thing to do, and have instructed me to report this amendment to this bill for that purpose.

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

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Senator from California moves to lay the amendment on the table.

The motion was agreed to; there being on a division—ayes 31, noes 14.

Mr. MITCHELL. I offer the following amendment, and shall ask the attention of the Senate for about one minute. After line 1738, on page 71, I move to insert:

For continuation of building for custom-house, post-office, and other public offices in Portland, Oregon, and for furniture for the same, $40,000.

Mr. SARGENT. I rise to a point of order on that amendment. That has never been reported by any committee.

Mr. MITCHELL. I beg pardon; it has been referred to the committee.

Mr. SARGENT. Not reported by any committee.

The PRESIDING OFFICER. Has it been reported from any standing committee?

Mr. MITCHELL. It has not been.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. MITCHELL. I appeal to the Senator from California whether he will raise a point of order——

Mr. SARGENT. I appeal to my friend from Oregon whether he is willing to lose all the appropriations in the bill for Oregon by an effort to get this.

Mr. MITCHELL. I do not care a cent if that be the result when we are treated with contempt.

Mr. SARGENT. I do.

The PRESIDING OFFICER. The point of order must be decided without debate. The Chair sustains the point of order.

Mr. CAMERON. I offer an amendment to come in at the end of the bill:

That the piece or parcel of ground ceded to the United States lying within the inclosure of the Prospect Hill Cemetery, at York, Pennsylvania, on which soldiers of the United States from sixteen States of the Union have been interred, and on which a monument has been erected by the said Monumental Association of York, Pennsylvania, be constituted a national cemetery, and cared for as other cemeteries of the United States, and that head-stones be provided for the graves of the soldiers therein interred, as in the case of other national cemeteries under existing laws, excepting the building of a house and putting a fence around the inclosure.

Mr. SARGENT. I move to lay that on the table.

Mr. CAMERON. I appeal to the Senator from California to let me say a word at least.

Mr. SARGENT. I will yield to let the Senator say a word on that, of course.

Mr. CAMERON. I have only to say that this whole thing will not cost more than $1,600. The State of Pennsylvania has very little in this bill, if anything at all. This is a matter which interests sixteen States of the Union, and the Senator from California is the last man I expected who would have objected to so small a thing as this. I only ask Senators to vote. I will not say anything more.

Mr. SARGENT. I renew the motion to lay the amendment on the table.

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

Mr. SARGENT. I hope not.

Mr. CAMERON. I should like to see why.

Mr. EDMUNDS. It is taking up time to be calling them.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. CAMERON. I trust there will be enough Senators to give me the yeas and nays.

The PRESIDING OFFICER. Are Senators disposed to sustain the call for the yeas and nays? Those who sustain the call will rise.

Seven Senators rose, not one-fifth of the Senators present.

Mr. HOWE. I offer an amendment to come in after line 445:

And no work of art not the property of the United States shall be exhibited in the Capitol, nor shall any room in the Capitol be used for private studios or works of art, without permission from the Joint Committee on the Library given in writing; and it shall be the duty of the Architect of the Capitol Extension to carry this provision into effect.

Mr. SARGENT. I have no objection to that.

The amendment was agreed to.

Mr. HOWE. I offer another amendment:

For this amount, to be expended under the direction of the joint standing committee of the two Houses of Congress on the Library and the Senate Committee on Public Buildings and Grounds for the proper accommodation of the Library of Congress by the extension of the west front of the Capitol so far as said committee shall deem necessary and expedient, not exceeding thirty-four feet, $500,000, to be paid on vouchers approved by the Architect of the Capitol Extension under such regulations as shall be established from time to time by the chairman of the Committee on Public Buildings and Grounds of the Senate and the chairman of the Committee on the Library.

Mr. SARGENT. From what committee does that come?

Mr. HOWE. The Library.

Mr. SARGENT. I suppose the Senator is entitled to the floor to speak, but I shall move to lay it on the table.

Mr. HOWE. I do not want to debate the question for only a moment. I wish the Senator would tolerate us for twenty or thirty minutes.

Mr. SARGENT. I cannot.

Mr. HOWE. I want to hear the opinion of other Senators more than I do my own. I once said to the Senate that it seems to me a measure of absolute economy for you to make some sort of provision for the accommodation of your books, for which you have now no accommodation whatever.

Mr. MORTON. We have no time for it this afternoon.

Mr. HOWE. I shall not take up the time.

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

The motion was agreed to.

Mr. BOUTWELL. I move to strike out of the bill, on page 71, lines 1728 to 1731, inclusive. I have only to say that there was an appropriation made about two years ago for the purpose of completing the building at Boston and acquiring a small parcel of land adjacent to it. The owners of the land were unwilling to sell. Proceedings are now pending in court under the law for the purpose of condemning it and taking it. The effect of this text which I propose to strike out is to deprive the officers of the Government of the power to take this land if the proceedings should result satisfactorily to the officers of the Government. Therefore I move that this clause be stricken out.

Mr. SARGENT. If that were so, the language left in would be entirely deceptive, because it says, "for completing the present buildings," whereas the Senator desires hundreds of thousands of dollars paid for a lot, whatever is left unexpended of the appropriations to be used for that purpose. If we are to pay for a lot we had better make a direct appropriation for that. This as it now reads plainly says, to complete the building, which is now nearly done, enough of the unexpended appropriation shall be used; and that is all that ought to be done and all that was intended either by the House or by the Committee on Appropriations. I move to lay the amendment on the table.

Mr. BOUTWELL. I wish a moment.

Mr. SARGENT. I yield.

Mr. BOUTWELL. The Senator is in error about that. The appropriation was made either one or two years ago in one sum for the two-fold purpose of finishing the building and paying for the land that was desired, and proceedings are now going on for the purpose of condemning the land; and the effect of this bill is to limit the expenditure merely to the completion of the existing building. The city of Boston has expended a large sum of money in widening the streets and leaving a park in front of the building in the expectation that the ground would be required.

Mr. SARGENT. I renew the motion to lay the amendment on the table.

Several SENATORS. It is to strike out the item.

Mr. SARGENT. I do not object to striking out the whole paragraph.

Mr. BOUTWELL. That is my motion.

Mr. SARGENT. I do not object then.

The PRESIDING OFFICER. The question is on the amendment to strike out lines 1728 to 1731.

The amendment was agreed to.

Mr. LOGAN. I desire to call the attention of the Senator from California having charge of this bill to page 48, line 1165, where the clause is-

For Rock Island Arsenal, Rock Island, Illinois:
For shop A: For a wood-working and gun-carriage shop for arsenal, $178,000.
For shop F: For a rolling-mill and for a forging-shop for the armory, $75,000.

I move to amend by inserting after the word "dollars," in line 1169, the words "$100,000 of such appropriations for shops A and F shall be available immediately after the passage of this act."

Mr. SARGENT. That simply makes it available.

Mr. LOGAN. One hundred thousand dollars of it available now.

The amendment was agreed to.

Mr. FRELINGHUYSEN. I move to strike out on line 23 the word

"fifteen" and insert "twenty-five," in the printing clause; so as to read:

For the Agricultural Department, $25,000.

This comes from the Committee on Agriculture, and the committee were satisfied that $15,000 was not enough to defray the expenses of printing for the Agricultural Department.

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

The motion was agreed to.

Mr. FRELINGHUYSEN. On page 70, after the word "labor," in line 1709, I move to strike out "$6,000" and insert "$12,000." That is an increase of appropriation for the labor in consequence of the additional grounds which have been added to the Department, and it is necessary that the amendment should be made in order to accomplish the work.

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

The motion was agreed to.

Mr. FRELINGHUYSEN. I am instructed by the Committee on Agriculture to offer these amendments, and I must offer them. I now move one whch I hope will be adopted. It is only two or three hundred dollars. It is to insert after line 1713:

For constructing a gasometer of suitable capacity for the daily supply of gas to the building, $1,200.

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

The motion was agreed to; ayes 28, noes not counted.

Mr. FRELINGHUYSEN. I have one more amendment from the Committee on Agriculture. On page 70, at the end of line 1720, I move to insert:

For the museum in charge of Professor Glover, $1,500.

Mr. SARGENT. I do not like to put these things down by mere force, by weight. The museum there is appropriated for in the legislative bill, and all its employés. It is a very beautiful place there, well swept and garnished with beautiful figures. I do not see any reason for this additional appropriation.

Mr. FRELINGHUYSEN. This appropriation is not made in any other bill for the museum under the charge of Professor Glover.

Mr. SARGENT. The employés of the museum are provided for, I am satisfied. I move to lay the amendment on the table.

The motion was agreed to.

Mr. HAMLIN. Mr. President, during the war all the benevolent institutions of this District were improvised into hospitals for the care of the soldiers and sailors. There was a propriety in placing them, therefore, at that period of time, under the Secretary of War. At the last session of Congress, at the request of the Secretary of War himself, I submitted a motion transferring the care of the Freedmen's hospital, which was under the Secretary of War, to the Secretary of the Interior. I did it because it ceased to be military at all in its character. I thought at that period of time it was the last hospital here in charge of the Secretary of War, but I find in this bill, on page 47, a provision for the "care, support, and medical treatment of seventy-five transient paupers." There is nothing of a military character about it, and yet it is put under the Secretary of War. To make the legislation of the country harmonious, this, I believe, being the very last vestige, I move to strike out "War," in line 1136, and insert "Interior," so that this will be transferred to the Secretary of the Interior, it being of that character which belongs to that Department.

The amendment was agreed to.

Mr. HAMLIN. I have one other amendment which I offer, to come in on page 20 after the word "dollars" in line 468:

That section 8 of the act approved June 23, 1874, "making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," be, and the same is hereby, amended as follows: Insert the word "ounce" in lieu of the words "two ounces."

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

Mr. HAMLIN. I ask the Senator to give me my five minutes.

Mr. SARGENT. I cannot take that away; but the Senator had resumed his seat.

Mr. HAMLIN. I was trying to find a memorandum which I mislaid. I will state what the proposition is.

Mr. SARGENT. Of course I cannot make the motion if the Senator wishes the floor.

Mr. HAMLIN. This is an appropriation bill. The amendment which I offer and which is now before the Senate is to replenish your Treasury; and I think at this period of time, when the revenues of your Post-Office Department are running so low, the amendment which I offer is one that should commend itself to the judgment of every Senator here.

In 1872 we passed a law fixing the rate of postage upon what was called transient matter of the third class. The question has been submitted to the Post-Office Department in relation to a change of that law, and I have here an express recommendation of the Postmaster General in favor of the amendment which I submit. I have a full knowledge of this law. I was a member of the Post-Office Committee when the plan of transmitting other than mailable matter proper through the mail was adopted. It fixed the rate of postage upon each two ounces. It has been carried up to four pounds. It was an experiment. I do not seek to change that experiment, but I do seek to place upon it a rate of postage which, if the statements from the Post-Office Department be correct, will give you $2,000,000 of revenues in the coming year. It will operate as no hardship whatever upon persons whom we design to benefit by allowing merchandise to go through the mails. We support the mail Department proper upon postage at six cents per ounce. This will still allow merchandise, samples, to go through your mails for one cent an ounce, at such low rates that any person who desires to avail himself of the transmission of the mails for such a purpose will have no reason to complain of our increasing the rate.

The Postmaster-General tells us it should be done. Mr. Bangs, whom I regard as one of the very best officers in that Department—he is careful, he understands his business—has made the statement that it will give to us $2,000,000 of revenue if we adopt the amendment. I trust the Senator from California will not move to lay such an amendment on the table but will let it go in and help replenish the Treasury; or if he does so move, I hope the Senate will vote down the motion.

Mr. SARGENT. Very well; let us have the vote now.

Mr. WEST. I should like to ask the Senator from Maine what the amendment means in reference to the charge upon merchandise conveyed in the mails? It is now eight cents a pound and this proposes to make it sixteen cents.

Mr. HAMLIN. Yes.

Mr. WEST. It is always a misfortune and always objectionable to legislate with reference to statutes upon an appropriation bill. The Committee on Appropriations have examined that subject. They have no such information from the Postmaster-General.

Mr. HAMLIN. I have it and can get it for the Senator.

Mr. WEST. Then it has come in since.

Mr. HAMLIN. No, sir; before.

Mr. WEST. The Senate ought to be aware that this is one of the very things they voted down when the post-office appropriation bill was up when it came from a different quarter entirely. It is making the carriage of merchandise in the mails sixty-four cents on four pounds instead of thirty-two. So far as the Committee on Appropriations were concerned they had no such information.

Mr. HAMLIN. I want to say to the Senator that there is another committee in this body that sometimes has subjects before it that relate to the Post-Office Department.

Mr. WEST. I wish they would take them all.

Mr. HAMLIN. The Committee on Appropriations does not absorb all the information there is in this body and in the country upon all subjects. [Laughter.] In other words, I want to say that while I concede that they know everything, I am not quite willing to admit that there is not anybody else who knows anything. [Laughter.] Now I will read what the Postmaster-General says——

The VICE-PRESIDENT. The Chair will remind the Senator that his time has expired.

The amendment was agreed to.

INDIAN APPROPRIATION BILL.

Mr. WINDOM. I observe that in making the report of the committee of conference on the Indian bill a few minutes ago the clerk omitted one portion of the agreement. I move to reconsider the vote of the Senate upon the report of the committee.

The motion to reconsider was agreed to.

Mr. WINDOM. I now move to recommit the report to the committee.

The motion was agreed to.

Mr. WINDOM. I now report the agreement of the conferees on the Indian appropriation bill.

Mr. SARGENT. It is unnecessary to read more than that part which was omitted before, I suppose.

Mr. WINDOM. There is no necessity for reading anything but the last paragraph.

The Chief Clerk read the last paragraph of the report, as follows:

That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 65, and agree to the same.

Mr. EDMUNDS. What is that?

Mr. WINDOM. It is an important amendment, and I desired to call the attention of the Senate to the entire report when it was made a few moments ago, but several Senators suggested not, and I omitted it. I will send to the Secretary a letter from the President stating what the appropriation is. Before the reading of the letter, however, let me say that the Senate added an amendment appropriating $50,000 for the Kiowas, Comanches, and other Indians, and the House, upon the recommendation of the President and the Secretary of the Interior and the Commissioner of Indian Affairs, struck out the $50,000 appropriation and made it $300,000. The grounds upon which that action was taken are as briefly stated in the letters of the President and the Secretary as I can state them, and I will have those letters read.

The Chief Clerk read as follows:

EXECUTIVE MANSION,
Washington, February 27, 1875.

SIR: I respectfully suggest to you and to the conference committee on the Indian appropriation bill that $300,000 be added to the appropriation as at present reported to feed and clothe something over three thousand Indian prisoners, captured and surrendered to the Army during the past winter. These Indians are now under guard and really without law and appropriations for their support. They embrace about all that are inclined or can give us trouble south of the Union Pacific Railroad.

This appropriation if made should be available at once, and is estimated to answer for the remainder of this fiscal year and all of next. These Indians would then be brought to Fort Leavenworth and would be under military control until it might be deemed safe to place them on reservations.

Very truly yours,

U. S. GRANT.

Hon. JAMES A. GARFIELD.

WASHINGTON, *March* 2, 1875.

SIR: General Pope telegraphed the War Department yesterday that the remaining warlike and troublesome Cheyennes, Comanches, Arapahoes, and Kiowas had surrendered as prisoners of war.

These, with those heretofore surrendered, number about three thousand, and constitute all of the turbulent Indians west of the Missouri River and south of the Pacific Railroad.

On consultation with the President and Secretary of War it was deemed best to adopt General Pope's advice, to place these Indians under military force sufficient to guard them at Fort Leavenworth, and provide for them through the Army until they were fit to go upon a permanent reservation.

The President therefore advised that an application be made for an appropriation of $300,000, to feed and clothe and otherwise provide for these Indians at Fort Leavenworth, or such other place as he may select, for the next ensuing sixteen months, which include the current and the next fiscal year.

No doubt is entertained that this discipline will entirely subdue these Indians, and they being subdued all hostile Indians south of the Pacific Railroad and west of the Missouri River may be regarded as out of the way. It is deemed of the utmost importance that this appropriation be made in accordance with the President's suggestions, and it is believed that it will settle all danger of future depredations in Texas and New Mexico, and practically settle the Indian question in the region of country referred to.

On application to the Appropriation Committee of the House of Representatives based upon the forgoing statement an appropriation in accordance with the recommendations of the President was agreed to, and it is to be hoped that your committee will concur in recommending its adoption by the Senate.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

Hon. WILLIAM WINDOM,
Chairman Committee of Conference.

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. 4862) to amend an act entitled "An act to incorporate the Washington Market Company;" in which it requested the concurrence of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

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

Mr. RAMSEY. I desire to offer an amendment to come in on page 20, line 468, after the amendment offered by the Senator from Maine, [Mr. HAMLIN.] It is on the same subject-matter—the weight of miscellaneous and third-class matter in the Post-Office.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. On page 20, after the amendment just adopted, it is proposod to insert:

That section 8 of the act approved June 23, 1874, making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes, be, and the same is hereby, amended as follows: Insert the word "two" in lieu of the word "four," so as to read "two pounds."

Mr. RAMSEY. Have I the privilege of explaining the amendment?

The PRESIDING OFFICER. Certainly.

Mr. RAMSEY. Then I desire to say that the amendment simply proposes to reduce the weight of the packages carried as miscellaneous matter from four ponnds, as fixed by the act of 1874, to two pounds. As I explained to the Senate the other day, before that time the limitation was three-fourths of a pound, or twelve ounces. I think it was unwisely raised to four pounds by the legislation of 1874. That legislation has been abused and the Department has been made a common-carrier for merchandise, and it is a great wrong. We failed the other day in attempting to reduce it to twelve ounces, the old standard. I now ask that it may be reduced from four to two pounds, which is amply sufficient to carry every reasonable amount of merchandise, patterns, &c.

Mr. WEST. A few moments ago I rose to take some exception to the action of the Post-Office Committee in intruding all their legislation for the last two years upon the Appropriation Committee, and I commented upon the Appropriation Committee as not possessing all the knowledge of post-office matters contained by this Senate. The Post-Office Committee should keep within their province and not intrude their business on the Appropriation Committee. If it had not been for their intrusion the Appropriation Committee would have been more comfortably off. Now, the Senate having already duplicated the price, this amendment proposes to curtail the rate, and the same proposition is moved on this bill which was voted down a few days ago on the post-office bill. I move to lay the amendment on the table.

The motion was agreed to.

Mr. FENTON. I offer an amendment to come in after line 224, on the tenth page. One word, Mr. President, in sending up this amendment. I have conferred with the Senator from California having charge of this bill, and the chairman of the Committee on Appropriations, and to this amendment they have made no objection. It does not make an appropriation, as will be seen, but continues over an appropriation to the next fiscal year. I think there will be no objection on the part of anybody.

The PRESIDING OFFICER. The Secretary will report the amendment.

The CHIEF CLERK. On page 10 of the bill, after line 224, it is proposed to insert:

That for printing the preparatory circulars, and for printing and binding at the Government Printing Office the report on life-insurance statistics, made under the authority of the eighth national statistical congress, by William Barnes, one of the official delegates, in accordance with the plan of publication adopted by said congress, under the direction of the Secretary of State, any unexpended balance of the appropriation for the above purpose made in the act of March 3, 1873, is hereby continued and rendered available.

Mr. SARGENT. I raise the point of order on that. It increases the appropriation and is not reported from any committee.

Mr. FENTON. No; it does not increase the appropriation. It proposes to carry over an appropriation already existing to next year.

Mr. SARGENT. That is the same thing. It has not been reported from a committee.

Mr. FENTON. My friend from California will bear in mind that this is the amendment to which I called his attention.

Mr. SARGENT. I know it. A great many Senators have called my attention to amendments. I am trying to get this bill through.

Mr. FENTON. I understood that it had the Senator's assent at the time. I do not see what objection can be made to it.

Mr. EDMUNDS. Let us have the point of order decided.

The PRESIDING OFFICER. If the point of order is made, the Chair sustains it.

Mr. ANTHONY. I move an amendment from the Committee on Printing, to come in after line 33, on page 2. This is to enable the signal service to carry on its operations. I had the honor to appear before the Committee on Appropriations, and I certainly thought this amendment was agreed to and supposed it was in the bill; but somehow it is not.

Mr. SARGENT. Let it be reported, and I will see what it is.

Mr. ANTHONY. I thought the committee agreed to it.

The CHIEF CLERK. It is proposed to insert on page 2, after line 33, the following:

For printing and binding one thousand copies monthly of the Daily Bulletin of the Signal Service, United States Army, $15,000.

Mr. ANTHONY. I think the committee agreed to it.

Mr. SARGENT. They did not.

Mr. ANTHONY. Then I will say that it is necessary to the efficiency and the success of the signal service.

Mr. SARGENT. I do not know that. The signal service is growing wonderfully. We all like it. It has been a favorite with us all. We are appropriating hundreds of thousands for a service that four years ago had no existence, and that will grow so fast that we shall have to let it go, I fear. This is too big a baby for us to hold.

Mr. ANTHONY. And every month it saves all it costs every year.

Mr. SARGENT. That may be, but it takes it out of the Treasury of the United States.

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

The amendment was rejected.

Mr. ANTHONY. I offer another amendment, that does not make any appropriation.

Mr. EDMUNDS. It cannot be germane to this bill if it does not call for money.

The PRESIDING OFFICER. The amendment offered by the Senator from Rhode Island will be reported.

The CHIEF CLERK. It is proposed to insert as an additional section the following:

SEC. —. That it shall be the duty of the Commissioner of Patents to furnish, free of cost, copies of the bound volumes of specifications and drawings of patents published by the Patent-Office to each of the Executive Departments of Government upon the request of the head thereof.

Mr. SARGENT. That was adopted by the committee.

Mr. ANTHONY. Is it in the bill?

Mr. SARGENT. The committee recommended it, but by some accident, owing to the late hour and in the hurry, we did not incorporate it. I do not see that it is in the bill, but we intended to report it.

The amendment was agreed to.

Mr. ANTHONY. The Committee on Printing reported a resolution of the House of Representatives to print a number of copies of the report of the Commissioner of Education. It was objected to on the ground that some of the copies were for distribution by members of Congress, and that there was no mode of transmitting them free through the mails. The Commissioner of Education assures me, and manifestly it is so, that it is impossible for him to carry on the operations of his Bureau unless he can have these reports to send to those persons from whom he receives important information.

Mr. SARGENT. Let the Senator propose his amendment.

Mr. SHERMAN. What is the use of attempting to put it on an appropriation bill?

Mr. ANTHONY. We cannot get it through by itself and none of the copies are to be distributed by members of Congress. I move to insert as an additional item the following:

For printing at the Government Printing Office ten thousand copies of the report of the Commissioner of Education, for the use of the Commissioner of Education, $5,000.

Mr. SARGENT. Where is it to come in? It can come in at the end of "miscellaneous."

Mr. ANTHONY. Let it come in on page 2, after line 33.

Mr. SHERMAN. What is the necessity of ten thousand copies? It is an enormous number.

Mr. ANTHONY. Make it seventy-five hundred copies, if you prefer.

Mr. SHERMAN. Make it five thousand.

Mr. ANTHONY. Well, make it whatever you please; but either abolish the Bureau or give it the opportunity of carrying on its operations.

Mr. SARGENT. Make it five thousand copies and reduce the footing to $2,500.

Mr. ANTHONY. Very well; I accept that, if it is the disposition of the Senate.

The PRESIDING OFFICER. The question is on the amendment as modified.

The amendment was agreed to.

Mr. ANTHONY. I offer the following amendment, which is recommended by the Secretary of State:

For expenses of the official delegates from the United States to the ninth international statistical congress, $5,000.

Mr. SARGENT. I raise the point of order on that.

Mr. ANTHONY. What is the point of order?

Mr. SARGENT. That it has not been referred to or reported from the Committee on Appropriations.

Mr. ANTHONY. It was referred to the Committee on Appropriations, and comes from the head of a Department.

Mr. SARGENT. It was not reported from the committee.

Mr. ANTHONY. I cannot help it if the committee did not choose to report it. It was referred to them.

Mr. SARGENT. Then the Senator could get in as an amendment any bill that he saw proper to send to the committee. It would be perfectly in order, and all he would have to do would be to refer it.

Mr. ANTHONY. If it is recommended by the head of a Department and has been referred to the committee, it is in order, is it not? Here is the letter from the Secretary of State.

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

Mr. ANTHONY. I suppose I am entitled to my five minutes, but I will only take two. Will the Senator allow me?

Mr. SARGENT. I will withdraw my motion to allow the Senator to make his remark, but I almost despair of passing this bill.

Mr. ANTHONY. I will only remark that we sent delegates to the statistical congress, last year and certainly the congress was a very useful body, and our representatives did great credit to the Government and have brought back to us useful statistics. Now there is to be another session of the congress. We have sent delegates to all these congresses, to the penitentiary congress, to the post-office congress, &c., and this is merely to continue what has been done heretofore.

Mr. SARGENT. It is a very admirable way for gentlemen to travel in Europe at the public expense. I am opposed to the whole system.

Mr. ANTHONY. Every government sends them. It is done by civilized governments everywhere.

Mr. SARGENT. Let the vote be taken. I renew my motion to lay the amendment on the table.

The motion was agreed to.

Mr. ANTHONY. I have some more amendments, but I think I will give it up. However, I want to offer one more and I will explain what it is. The RECORD is now printed at the Government Printing Office and has been for this whole Congress with very great success. It has undoubtedly been an improvement in style and a great improvement in economy. It would be a very convenient thing and it would be a very economical thing if we could have immediate communication with the Government Printing Office, and certainly no man can appreciate that better than the Senator who has charge of this bill. For that purpose we require a pneumatic tube. There was an appropriation made for a pneumatic tube two years ago, and the Committee on Printing have labored as much as they could to find out what became of it. It was very unfortunately administered. Here is an amendment properly guarded, and I do hope the Senator will not object to it.

Mr. SARGENT. How much is it?

Mr. ANTHONY. Fifteen thousand dollars.

Mr. SARGENT. I think it necessary. I will raise no point of order.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed to insert as an additional item the following:

To enable the Architect of the Capitol, under the direction of the Joint Committee on Printing, to construct a pneumatic tube between the Capitol and the Government Printing Office, $18,000, or so much thereof as may be necessary: *Provided*, That the tubes used shall be purchased of the lowest and best bidder for the interest of the Government.

Mr. STEVENSON. I would like to ask the Senator from Rhode Island if we did not waste about that much money before on an attempt to make a pneumatic tube?

Mr. ANTHONY. We did.

Mr. STEVENSON. I hope we shall not try it again, then.

Mr. ANTHONY. We shall not waste it again if it is done under the direction of the Joint Committee on Printing.

Mr. STEVENSON. It was stated to us again and again that it would be a success. Our money is gone, I do not know how much, and I hope these experiments at the expense of the public Treasury, with taxes as high as they are, will stop.

Mr. ANTHONY. So do I. The former pneumatic tube was an experiment proposed in a mode contrary to the wishes of the Committee on Printing. This is not an experiment. It is what has been done for years in more than half the cities of Europe.

Mr. THURMAN. May I inquire whether the Committee on Printing are experts in the matter of pneumatic tubes?

Mr. ANTHONY. We are experts in the matter of spending money, but not wasting it.

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

The amendmont was agreed to.

Mr. ANTHONY. I have another amendment to offer, but I suppose it is no use to offer it. I will give it up.

Mr. HITCHCOCK. I move on page 36, after the word "lines," in line 879, to strike out "50" and insert "100;" so that the clause will read:

For surveying the public lands in Nebraska, at rates not exceeding fifteen dollars per linear mile for standard lines, twelve dollars for township, and ten dollars for section lines, $100,000.

The object of this amendment is simply to allow the Secretary of the Interior to complete the surveys in my State within two years. The same appropriation was made in Kansas for the same purpose last year, and those surveys are closed. It is a matter of economy, and will secure the discontinuance of the office and the discharge of the employés. At the same time it will relieve the Treasury from incidental expenses, making this a matter of economy. It is recommended by the Secretary of the Interior, and I hope it will pass.

Mr. SARGENT. That is $40,000 more than the estimates.

Mr. HITCHCOCK. Here is the letter of the Secretary of the Interior recommending it. His attention was not called to the matter any more than mine until very recently. He shows the particular reason for it.

Mr. SARGENT. Let us take the vote.

The question being put, there were on a division—ayes 20, noes 21.

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

Mr. SHERMAN and others. O, no.

Mr. EDMUNDS. You can renew it in the Senate.

Mr. HITCHCOCK. Very well; I withdraw the call.

The PRESIDING OFFICER. The call for the yeas and nays is withdrawn, and the amendment is not agreed to.

Mr. STEWART. I offer the following amendment, and I will say that it has been recommended two years in succession by the Secretary of the Navy, and it is in my opinion a very important thing to be done. I will not elaborate upon it, but I believe it will strike the good sense of every one and that the Senator having charge of the bill will approve of it after he hears it:

For the building or purchase of two three-masted schooners, with their equipment, for the prosecution of hydrographic surveys under the Navy Department, $60,000; and for the prosecution of the survey of the Pacific Ocean, under the Bureau of Navigation, Navy Department, $40,000.

I do not think the Senator having charge of the bill will resist that amendment. I think he has been in favor of it for some years.

Mr. SARGENT. I have no doubt there is a necessity for it, but it is not recommended by the committee. I have not raised the point of order on it nor moved to lay it on the table. I am willing to let the vote be taken fairly.

The amendment was rejected.

Mr. STEWART. While I am on the floor, I ask as a privileged question to correct a mistake in a matter of conference between the two Houses.

Mr. SARGENT. In relation to this bill?

Mr. STEWART. No; in reference to a conference report.

Mr. SARGENT. I want to get through with this bill first of all.

Mr. EDMUNDS. Is it the railroad conference?

Mr. STEWART. Yes, sir.

Mr. EDMUNDS. You cannot fix that now.

The PRESIDING OFFICER. Objection is made.

Mr. CRAGIN. I move to amend the bill on page 67, at the end of line 1648. I presume there will be no objection to this amendment, as it makes no appropriation. My amendment is to insert after the word "dollars," in line 1648, the words—

Which sum shall be available from and after the passage of this act.

This is to enable the appropriation for the continuation of work and removal of property from the Philadelphia navy-yard to be used immediately.

Mr. SARGENT. That is right.

The amendment was agreed to.

Mr. CONOVER. I offer the following amendment:

For the erection of a post-office, court-house, and other public buildings at Tallahassee, Florida, $50,000.

Mr. SARGENT. I raise the point of order on that, that it is not recommended by the Committee on Appropriations and was not reported back from that Committee.

The PRESIDING OFFICER. That being the case, the Chair sustains the point of order.

Mr. FLANAGAN. On page 53 I move to strike out from line 1291 after the word "same" down to and including line 1300. I am asking for no additional appropriation. It is only to properly protect one that is already contemplated for building telegraph lines, &c., in Texas.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed on page 53 after the word "same," in line 1291 to strike out the following words:

And so much of this appropriation as may be necessary shall be used in constructing a telegraph line from Fort Marcy to Fort Bayard, in New Mexico, and from Fort Bayard to Camp Grant, in Arizona: *Provided*, That no money hereby appropriated, or any unexpended balance of former appropriations for the erection of military telegraph lines, shall be expended upon any line that cannot be completed by such appropriations herein or already made.

Mr. SARGENT. You do not want to strike out the proviso.

Mr. FLANAGAN. Strike it all out.

Mr. SARGENT. The proviso is well enough.

Mr. FLANAGAN. No, sir; I move to strike it all out.

Mr. SARGENT. I object, and move to lay the amendment on the table.

Mr. FLANAGAN. I have my five minutes, I suppose?

Mr. SARGENT. I withdraw the motion to allow the Senator to explain it.

Mr. FLANAGAN. The explanation, if I can give it, is this: there is an appropriation here of $88,000—

For completing the construction, and for maintenance and use of military telegraph lines on the Indian and Mexican frontiers, and for the connection of military posts and stations, for the better protection of immigration and the frontier settlements from depredations, especially in the State of Texas, the Territories of New Mexico and Arizona, and the Indian Territory, $88,000: *Provided*, That the Secretary of War be, and he is hereby, authorized to pay the expenses of operating and keeping in repair the said telegraph lines out of any money received for dispatches sent over said lines; any balance remaining after the payment of such expenses to be covered into the Treasury as a miscellaneous receipt; the money received in any one fiscal year to be used only in payment for the expenses of that year. And a full report of the receipts and expenditures in connection with the said telegraph lines shall be made quarterly to the Secretary of War through the Chief Signal Officer. And the Chief Signal Officer shall have the charge and control of said lines of telegraph in the construction, repair, and operation of the same.

Now it will be seen that there are telegraph lines already established but not completed, and this appropriation has been made with the view of completing those that have been commenced. But this proviso gives the Government officers the power to withdraw the money from that original purpose and apply it to another and a different matter, and I am only asking that it be controlled where it is legitimately placed without the proviso. It is simple and clear, and a matter of sheer justice to the State of Texas.

Mr. HAMILTON, of Texas. I suggest that instead of that amendment, the Senator from California who has charge of this bill will perhaps accept this amendment; I move to disagree to the amendment proposed by the committee and then to strike out the last proviso. That will relieve the difficulty under which the appropriation is now. The Secretary of War tells me that he will not attempt to expend the appropriation at all under this proviso because he does not know that he can complete the work with it. It is very important that the work should be completed. There was an appropriation of $100,000 made last year, and the work is now in course of construction. They have bought the wire and all the materials, and all that is needed is to put up the telegraph-posts and the wire. The Signal Service Bureau has made an estimate of $58,000 to complete the work, and the way it is hampered here we are going to lose the work altogether I am afraid.

Mr. SARGENT. I will accept the suggestion in regard to that. It will be necessary to retain the clause:

Not to exceed $30,000 in all—

And then strike out the proviso after Arizona:

Provided, That no money hereby appropriated, or any unexpended balance of former appropriations for the erection of military telegraph lines, shall be expended upon any line that cannot be completed by such appropriations herein or already made.

The PRESIDING OFFICER. Does the Senator from California agree to that?

Mr. SARGENT. I agree to that.

The amendment was agreed to.

Mr. FENTON. The honorable Senator in charge of the bill has withdrawn his objection to the amendment I offered to come in after the two hundred and twenty-fourth line on the tenth page, to continue an appropriation over to the next fiscal year.

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

The amendment was agreed to.

Mr. BAYARD. I am instructed by the Committee on Finance to offer an amendment, to insert on page 92, after line 29, the following:

That section 2688 of the Revised Statutes of the United States be amended by inserting at the end thereof as follows:

That hereafter the maximum compensation of each surveyor of customs performing the duties of collectors of customs shall be $5,000 a year, out of any and all fees and emoluments by him received.

Mr. SARGENT. Does that increase the compensation?

Mr. BAYARD. It does not.

Mr. SARGENT. Very well.

The amendment was agreed to.

Mr. THURMAN. I am instructed by the Committee on Private Land Claims to move the following amendment, to come in at the end of line 468 on page 20:

To pay the clerk to the Committee on Private Land Claims, $2,220.

The amendment was agreed to.

Mr. MITCHELL. I offer the following amendment in line 915, on page 38:

Strike out the word "sixty" and insert "seventy."

So as to make the clause read:

For surveying the public lands in Oregon, at rates not exceeding fifteen dollars per linear mile for standard lines, fourteen dollars for township, and twelve dollars for section lines, and for heavily timbered lands lying west of the Cascade Mountains, at augmented rates, not exceeding eighteen dollars per linear mile for standard, sixteen dollars for township, and fourteen dollars for section lines, $70,000.

I simply desire to state in reference to this amendment that it is to correct the bill so as to correspond with the estimate of the Department. The amendment was introduced some days ago and referred to the Committee on Appropriations. Of course they have paid no respect to it, as they are opposed to amendments of this kind, I presume, but it is in accordance with the estimate of the Department. I desire to have it adopted. I will simply state that the settlements in Oregon are very far in advance of the surveys.

Mr. SARGENT. That is the estimate. I have no objection to putting it at $70,000.

The amendment was agreed to.

Mr. MERRIMON. I am authorized by the Committee on Post-Offices and Post-Roads to offer this amendment to come in as an additional section after section 3, on page 81:

To pay arrearages due to mail contractors for carrying the United States mail before the 1st day of June, 1861, $372,000; and all laws and parts of laws forbidding the payment of the same are hereby repealed.

Mr. SARGENT. I raise the point of order on the amendment.

The PRESIDING OFFICER. What is the point of order?

Mr. SARGENT. That it is a private claim.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. MERRIMON. I insist that the point of order is not well taken, for the reason that the amendment simply provides for the general purposes of the Post-Office Department. Besides, there are repeated precedents for this. Just two years ago an amendment was offered and adopted to a bill like this providing for the payment of arrearages due to assistant marshals who aided in taking the census of 1860. The appropriation is not for a private claim, but it is for the general purposes of the Post-Office Department.

Mr. LOGAN. This is to pay all the rebel contractors.

The PRESIDING OFFICER. Does the Senator from California insist on the point of order?

Mr. SARGENT. I do.

The PRESIDING OFFICER. The Chair sustains the point.

Mr. MERRIMON. I trust the Senator will not insist on the point of order.

Mr. SARGENT. I must insist.

Mr. MERRIMON. I do insist that the point is not well taken. I do not like to appeal from the decision of the Chair to the Senate. I appeal to the Senator from California to withdraw his point of order.

Mr. SARGENT. I cannot withdraw the point of order; I am acting under a sense of duty. As a matter of courtesy, I would desire to withdraw it, but I cannot do it.

The PRESIDING OFFICER. The Chair has sustained the point of order.

Mr. COOPER. I offer the following amendment as an additional section:

That for the purpose of securing the construction of a new and reliable fire-alarm telegraph for the cities of Washington and Georgetown, and for the better protection of the public buildings and archives in the District of Columbia, and to aid in the construction of the same, the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, or so much thereof as may be necessary under the provisions of this act; such payment to be made to the party or parties entitled thereto for the work, on the approval of the District commissioners, board of fire commissioners of the District of Columbia, and the engineer in charge of public buildings in the said District, and on their certificate that the work has been completed in accordance with the terms of such proper contract as may lawfully be made in pursuance of the terms of this act, and that at least twenty signal-boxes shall have been placed in and for the use of the public buildings in the said District, in such manner and at such points as the said engineer in charge of the same shall have designated: *Provided*, That no payment shall be made out of this appropriation until the entire work shall have been completed and accepted by the officers herein designated; and any balance remaining unexpended after the completion of the work and the final payment therefor shall be immediately covered into the Treasury: *Provided further*, That the whole work of constructing the fire-alarm telegraph provided for by this act shall be under the direction of the commissioners of the District and the board of fire commissioners of the District of Columbia and the engineer in charge of public buildings in the said District: *And provided further*, That one-half of the expense attending the construction of this fire-alarm telegraph shall be borne by the District of Columbia and be refunded to the Treasury by said District out of appropriations hereafter made by Congress to defray the proportional part of the expenses of said District government on behalf of the United States: *Provided further*, That the contract which may be awarded under this act shall be only for the erection of the most approved system of fire-telegraph, which shall include the best apparatus known to the art: *And provided further*, That under no circumstances shall the entire cost of construction and completion of the same exceed the sum of $100,000.

I report that from the Committee on Public Buildings and Grounds. I have communications from the heads of the different Departments

and also from the commissioners of the District of Columbia recommending that the appropriation be made as provided in the amendment, which I will have read if the Senate desires. They all state that it is absolutely essential that a new fire-alarm telegraph should be erected in order to preserve the public buildings and other property of the cities of Washington and Georgetown. I hope the Senate will agree with the Committee on Public Buildings and Grounds as to the propriety of this amendment.

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

The motion was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The amendments made as in Committee of the Whole will be concurred in in gross, excepting those which may be reserved for separate votes.

Mr. EDMUNDS. I wish to reserve the amendment agreed to in committee on page 70, line 144, which the Senator from Maine would have reserved himself if I had not.

Mr. CONKLING. I wish to reserve the amendment on page 46, from line 1106 to line 1112. I also wish to reserve, unless some other Senator has done it, the amendment on page 17, by which the words "in gold," relative to the 3.65 bonds, and perhaps other concomitant words, were stricken out.

Mr. FRELINGHUYSEN. I wish to reserve, on page 8, from line 174 to line 179, the amendment introduced by the Senator from Delaware, [Mr. BAYARD.]

Mr. MITCHELL. I wish to reserve the amendment on pages 44 and 45 from line 1078, on page 44 to line 1085 on page 45, in relation to the settlement of the accounts of Binger Herman, late receiver of public moneys.

Mr. PRATT. I wish to reserve on page 39, commencing in line 941 and terminating in line 949, the amendment put on the bill by the Committee on Appropriations but struck out by the Committee of the Whole.

The PRESIDING OFFICER. The Chair understands that amendment was not made to the bill, and it cannot be reserved.

Mr. PRATT. Then I can move it, I suppose.

The PRESIDING OFFICER. The Senator can move it again.

Mr. BAYARD. I understand the Senator from Vermont [Mr. EDMUNDS] has reserved the amendment I desired to reserve on page 7, line 144. If not, I ask that it be reserved.

Mr. HITCHCOCK. I wish to reserve the amendment offered by me on page 36.

The PRESIDING OFFICER. If there be no other reserved amendments, the amendments not reserved will be concurred in in gross.

All the amendments not reserved were concurred in.

The PRESIDING OFFICER. The first reserved amendment will be reported.

The CHIEF CLERK. On page 7, line 144, the Senate inserted, as in Committee of the Whole, after the word "same," the words "to be done within the District of Columbia;" so as to make the clause read:

That the Secretary of the Treasury shall have executed one or two of such printings by such responsible and capable and experienced bank-note companies or bank-note engravers as may contract for the same, to be done within the District of Columbia, at the lowest cost to the Government.

Mr. FRELINGHUYSEN. Mr. President, the Senator from Vermont, who made that reservation, is not now in his seat. I think that it had better be passed over.

Mr. SARGENT. I would like to say that this amendment was made when the Secretary of the Treasury was in the room of the Committee on Appropriations. It was read to him and put down exactly as he wanted it; and after the language was put down his attention was again called to it, and he said it was just what he wanted.

Mr. CONKLING. Which one?

Mr. SARGENT. This one on page 7 in reference to the matter of printing. I trust without information it will not be changed by the Senate now.

Mr. FRELINGHUYSEN. I remember that the Senator from Vermont made an elaborate report on this subject some three or four years ago, after an investigation, and it was thought very desirable that this printing should be done in different places. I hope the amendment will be passed over until he is here.

Mr. CONKLING. I want to say one word on this amendment.

Mr. MORRILL, of Maine. Let it go over until the Senator from Vermont comes in.

Mr. CONKLING. I have no objection to that.

Mr. SARGENT. Pass it over, then.

The PRESIDING OFFICER. The amendment will be passed over and the Secretary will report the next reserved amendment.

The CHIEF CLERK. On page 8 the Senate, as in Committee of the Whole, inserted the following proviso:

Provided further, That the compensation of the counsel of the United States provided for by section 5 of the act of Congress creating a court of commissioners of Alabama claims approved June 23, 1874, shall not exceed $8,000 per annum.

Mr. FRELINGHUYSEN. I move to strike out that proviso.

The PRESIDING OFFICER. The question is on concurring. The Senator will reach his object by voting to non-concur.

Mr. FRELINGHUYSEN. I supposed that I could reach it in either way. I think that that amendment ought not to be adopted. Congress at the last session, after careful consideration, adopted the rule that the counsel should be paid such compensation as was fixed by the court; and if this amendment is not agreed to that rule will apply.

It is no argument to say that the salary of the Attorney-General is only $8,000 a year. That is a continuous office. It is an office having with it a certain dignity and is desirable. You can hardly find a first-class lawyer who would undertake to work the year through in heavy and important cases for $8,000 a year. I think we had better leave it where Congress fixed it last year, to be determined by the court.

Mr. BAYARD. There should be proportion in all things. In this case Congress has given to the judges of this court, who for a period of two or three years, for this commission only, are taken from their professions and who are required certainly to be good and able lawyers, segregated entirely from other pursuits, forbidden to practice their profession, a salary of $6,000 a year, and yet it seems to be a tolerably fair one. Our Committee on Appropriations proposed to pay the counsel who appears before this commission $12,500 a year as his salary, and yet he is left to practice as a lawyer in all the courts where he may see proper to practice. I say, Mr. President, that when we fixed the pay of this counsel at the same rate that the Attorney-General of the United States gets, $8,000, it certainly was fair and liberal. It is $2,000 more than the judges get, and I do say there will be no difficulty in obtaining counsel able, amply able, to fill this place for the fee of $8,000 a year; for remember he is not engrossed by this duty, nor is he segregated from other professional pursuits. It strikes me as being disproportionate entirely to the scale of compensation that we fix to other officers. We allow the Solicitor-General $7,500 and demand his entire time; the assistant attorneys-general $5,000; the Attorney-General himself $8,000 a year; and surely if this gentleman, whoever he may be, who appears as counsel before this court, receives the same pay as the Attorney-General, the first law officer of the Government, he is amply paid.

Mr. SHERMAN. In dealing with this subject we are dealing with a fund that is as sacred as any that could possibly be put in our possession. We are dealing with the money of other people; $15,000,000 belonging to the sufferers by the depredations of Great Britain. Now, the law as it stands requires the court to award to the attorney acting on behalf of the United States, but really on behalf of these claimants, a percentage or compensation to be allowed and paid in each case. If but 1 per cent. is allowed, it makes the whole sum of money $150,000 for the compensation of an attorney. It is not right, and I think when we give to the gentleman who is employed to protect the interest of the Government and the interests of these claimants as large a compensation as is provided for the highest law officers of this Government, we do full and substantial justice. We ought not to throw on the court the most onerous and unpleasant duty of fixing the compensation of an attorney employed in a case. The true way is to fix the compensation by your law, whatever is reasonable and right, and I am willing to vote for any sum that is reasonable and right, and no more.

Mr. CONKLING. The Senator from Delaware reminds us that the members of the court receive $6,000 a year, and the proposition is to pay the counsel more. Is that unusual? Is it not universal in practice? Is there any judge sitting in the State of Delaware whose salary for deciding causes is at all equal to the earnings of leading counsel who practice before him?

Mr. BAYARD. The Senator recollects that these judges are appointed for but a matter of one or two years.

Mr. CONKLING. I am coming to that, if the Senator will allow me. These judges are appointed to do comparatively a very light duty, assuming that the counsel practicing before them do their duty. The duty which they discharge is quite unlike that of a faithful advocate, of a proctor, who investigates and brings together all the facts and all the law which should be presented to the court. Therefore, if he receives more than the judges it is the old story over again, as told in every court in which law is practiced, throughout all the country.

If I understood the honorable Senator from Ohio he said it imposed upon the tribunal an unpleasant or objectionable duty. Why, if I may ask my honorable friend? This is a trust fund. Does not the Senator know, and do not I know, that where costs are to be paid from a trust fund it is, I might say, the almost universal practice for the court to fix the amount which shall come out of that fund? Every man who has practiced law is familiar with this rule.

The judges sit there; they know the extent to which the counsel devoted himself to this business; they are better able than anybody else to say what is the hire of which the laborer is worthy. It is no disagreeable duty. They are administering a trust fund in this respect between different claimants. A B, a ship-owner, receives an award, and the question is what percentage of that trust money shall be deducted to pay the expenses of administering the trust. Every court is accustomed to that, and it is not an onerous or disagreeable duty for any court to determine.

I submit, in conclusion, that when we say that any man fit to represent the United States before that tribunal temporarily, as he does, and his whole time being occupied, as I am told it is, for $8,000 a year, every lawyer in the Senate knows that we are fixing a rate of compensation beneath the capacity of any man in the country practicing law who is fit to practice there. However he may spell his name, he may go into the courts of his own State, unless his State be one of which I know nothing, and earn a larger sum, and with less labor than he

performs if devoting his whole time, as I am told he does, in this case, to the business, he acquits himself creditably of the labor laid upon him.

Therefore I should be willing to vote, if Senators prefer to pay the counsel in this case the sum reported by the committee, and without expenses, if you please. You may have his clerk hire, his stationery, his fuel and his lights, or whatever this money is given for, audited precisely and paid exactly. I agree with my friend from New Jersey in thinking it would be still better to allow this court like other courts, where a trust fund is chargeable with the costs and counsel fees, to tax those costs, they knowing better than anybody the service that has been rendered.

Mr. FRELINGHUYSEN. One word. I suppose if the Senate does not concur in the amendment the result will be that we fall back upon the amendment as it was reported by the committee, $10,000 a year and eight dollars a day for expenses. That, I suppose, would be the result.

Mr. SHERMAN. The text of the proposition is now the amendment. The Senator would have to move to increase the amount to have that done.

Mr. FRELINGHUYSEN. I think not.

Mr. CONKLING. O, no.

Mr. SHERMAN. The amendment reported is the amendment adopted in Committee of the Whole. The amendment of the Committee on Appropriations has gone out of sight, as a matter of course.

Mr. CONKLING. May I have permission to ask a question of the Chair? Is not the motion whether the Senate will concur in the amendment as amended? Now if we non-concur in that amendment it goes out, and then we fall back upon the existing law.

Mr. SHERMAN. I ask the reading of the existing amendment, and you will see that I am right.

The SECRETARY. The Senate as in Committe of the Whole, inserted the following proviso:

Provided further, That the compensation of the counsel of the United States provided for by section 5 of the act of Congress creating a court of commissioners of Alabama claims, approved June 23, 1874, shall not exceed $8,000 per annum.

Mr. CONKLING. Now if we non-concur it leaves it where the law leaves it.

Mr. FRELINGHUYSEN. The suggestion of the Senator from Ohio that this might be a matter of $150,000 is very wide of the mark. Not to concur would make it $10,000, and even if that was voted down we would be left to the law as it was passed last year. We know that the court would make no allowance of $150,000 or $50,000 or $20,000. That is all fancy.

Mr. SARGENT. Will my friend from New Jersey allow me a moment? I would like to state that if the amendment is non-concurred in we fall back on the previous legislation on this subject. There is nothing then in the bill in relation to this subject, and it goes back to the former legislation.

Mr. SHERMAN. There is no limit then.

Mr. FRELINGHUYSEN. Very, well; if this is not concurred in it is very easy to move again the same amendment that was reported by the committee. In reference to that amendment I have to say that I understand that was just the compensation which had been fixed for Mr. ROBERT S. HALE for his services in the Court of Claims when employed by the Government, $10,000 a year and $8 a day for expenses. I do not think there is any lawyer of position who would undertake to give a whole year's work to important questions involving millions without a compensation equal to that.

Mr. MORTON. The most extravagant fees that are paid in this country are paid under the direction of courts in the administration of trust funds. Although this is in one sense a trust fund, yet if there is anything left after paying the Alabama claims, that goes into the Treasury of the United States, and it is just the same thing as if this salary was to be paid out of the Treasury of the United States. In substance, therefore, there is no difference.

Eight thousand dollars is $3,000 more than a Senator gets. It is equal to the salary of a Cabinet officer, without the labor and without the public responsibility of a Cabinet officer. Eight thousand dollars is a good compensation for a first-class lawyer who has the honor of an appointment of that kind. It requires no better lawyer, and the distinction is quite as great, than the judge upon the bench who decides upon these claims. There are some first-class lawyers in full practice that can make more than $8,000 a year, but very few lawyers who have been out of practice six or ten years can make five or eight thousand dollars the first year on resuming practice.

Mr. MORRILL, of Maine. It is due to the committee that I should say a word perhaps about these counsel fees. They are on a different scale entirely from what applies to legislative bodies. We work for the glory of it, as my honorable friend is well aware. We do not care anything about the salary. That is the answer, I think, to that. There is no comparison at all. Now, by the act by which counsel was authorized to appear before the court established in the Alabama cases he is allowed such fee in each case as shall be determined upon by that court. It was said that that compensation would amount to forty or fifty thousand dollars. I suppose the limitation which the House of Representatives intended to put upon this bill was in consequence of some scandal or impression that was abroad that that was the fact. At any rate there is no limitation on the compensation which the counsel may receive, and the House of Representatives thought it advisable to fix it. They did fix it at $10,000 a year. It was not put upon that bill, and so it appears as an original proposition, as a Senate amendment here. It did not get in the bill by accident, although put upon it. It was not engrossed in the bill, so it appears as an original proposition here. It was sent over to the committee and ingrafted upon the bill as having been enacted.

Now, upon the information the committee had that this was precisely what was paid to another gentleman for similar services, the committee considering this a very large and decided limitation on the compensation that was fixed for this counsel, it seemed to us reasonable, as there was a precedent, that we should follow that precedent. That is the whole of this case, all there is of it, and it seems to me upon this reasoning it should be adopted. Otherwise strike it all out and stand by the original proposition under which this counsel was appointed. Now that is the way it seems to me and the way it seemed to the committee. It is a very short story, and there ought not to be any difficulty about it.

Mr. STEWART. I am decidedly of the opinion that there should be legislation on this subject. It is not right here to say that counsel in a case like this, appearing in this way for the Government, should stand exactly in the position of an ordinary attorney, making such a contract with his client as he may. There ought to be a difference, and there is a difference. The same remark applies to this to a certain extent that applies to high law officers of the Government. I am not particular whether the amount is $8,000 or $10,000. It ought to be a fixed sum, so that in no event should there be a scandal with regard to the administration of these funds, nor should responsibility be thrown upon the judges, in which they might be embarrassed. It ought to be a fixed sum, and I think Congress is the proper authority to fix the amount. Let it be fixed liberally. I do not say it should be regulated entirely by the criterion of permanent officers like the Attorney-General, nor should it be in the same catagory with attorneys who have as large amounts as they can contract for. It stands rather between the two.

Mr. FRELINGHUYSEN. I would say to the honorable Senator from Nevada that if this is not concurred in we then can adopt the amendment reported by the committee; and I would ask him whether the amount involved, $10,000,000 or $15,000,000 and the amount of expense, is not a fair item to consider in determining the rate of compensation, whether there is any lawyer who would undertake to try causes continually for a year involving $15,000,000, for less than $10,000 a year and his expenses.

Mr. STEWART. It does not involve that amount; there is only a part of it, two or three million dollars, that is to be distributed by this commissioner, though I do not know the exact amount; but it is to be administered by the Government of the United States. The Government is a trustee to make the distribution. The Attorney-General appears in all Government cases in the Supreme Court, no matter what their magnitude, and his compensation does not compare in magnitude with the fees he could contract for. The dignity and honor of the office are elements that enter into fixing the amount, and to some extent the same rule applies here. It is a high and honorable distinction to be appointed to this place, and a man should not expect the same amount of money that he would if he was contracting with private parties. It is a different thing. He acts for the Government in a high official position.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Senator's time has expired.

Mr. ALCORN. I trust the amendment made in Committee of the Whole will be concurred in, striking out the appropriation of "$10,000" and inserting "$8,000." Eight thousand dollars is a sufficient compensation, in my humble judgment, for a lawyer who is ready to leave his practice, if he has one, and come here for the honor of an appointment on the part of the Government to defend the Government against these claims. As has been said by the honorable Senator from Indiana, it is what the Cabinet officers receive; it is more than a Senator in the Congress of the United States receives. It is enough in my judgment for a lawyer who has been out of practice for a number of years, who plays politician for a while, and then comes here and receives an appointment. If it is not enough, let him resign the place and let somebody else take it. I guarantee that a lawyer can be had of equal capacity who will represent the Government with equal fidelity for the $8,000 a year. The original proposition was to allow him $10,000 a year, and $8 a day for expenses. What expenses? He is furnished clerks. The court has its clerks. Where will you find room for eight dollars a day if an economical, faithful attorney represents the Government of the United States in the defense of claims that are brought against this fund? Eight thousand dollars in my judgment is enough. I shall vote for it.

Mr. SARGENT. I hope we shall have the vote.

The amendment was concurred in; ayes 31, noes not counted.

The PRESIDING OFFICER. The next reserved amendment will be read.

The CHIEF CLERK. The next reserved amendment is on page 17. The Senate, as in Committee of the Whole, inserted in the bill the following clause:

To pay the interest on the 3.65 bonds issued under the act entitled "An act for the government of the District of Columbia, and for other purposes," $365,000: *Provided*,

That certificates for claims presented and allowed under the sixth section of the act aforesaid shall be presented for conversion, as provided by the seventh section of said act within ninety days from the passage of this act, and, as to certificates of date subsequent to the passage of this act, within ninety days from the date of such certificate; and if not so presented, the privilege of thus exchanging shall not be exercised by any holder of such claim; and the sinking-fund commissioners of the District of Columbia are prohibited from issuing any bonds under the seventh section of the act hereinbefore referred to in exchange for any certificate unless presented within the time herein specified; and the salary of the commissioner of the sinking fund, acting as treasurer thereof, shall be $1,000 per annum.

The PRESIDING OFFICER. The question is on concurrence.

Mr. CONKLING. I understood that the words "and the said bonds are hereby made payable, principal and interest, in gold," were stricken out.

Mr. SHERMAN. That is true.

Mr. CONKLING. These words being stricken out, I want to take the question upon them in proper form. I was not in at the moment the Senate passed upon this section in Committee of the Whole, and therefore I do not know precisely what was done by the Committee of the Whole; and either by moving to replace these words or by taking the question on concurrence, the point may be raised.

The PRESIDING OFFICER. The Senator can move to insert the words.

Mr. CONKLING. I do move to reinstate these words: "and the said bonds are hereby made payable, principal and interest, in gold" after the word "dollars."

Mr. SHERMAN. Unless the Senator simply wishes to move the amendment formally, I desire to state that the addition of these words will add to the burden of these bonds now 14 per cent. It will change the contract under which the bonds were issued. They are now currency bonds. Many of the bonds have been issued to poor people and have been sold; they have changed hands; and now to change the character of $8,000,000 of bonds of the United States from currency to gold on an appropriation bill at this hour of the session it seems to me would be very extraordinary. I trust the Senator from New York will satisfy his sense of duty by letting the amendment go as adopted, because his amendment would be so great a departure from the terms and conditions on which the bonds were issued and are now outstanding that it would create serious opposition to the whole amendment.

Mr. HAMLIN. The Committee on Appropriations in the amendment which they reported inserted these words. I hope they will remain; I think they should remain. I believe it is just. When the debts due to various individuals were scaled upon bonds called three sixty-fives, it may not have been hard upon a large proportion of those who had moneys due to them; but I speak for a large class of men in my own State who had furnished materials at the very lowest rate, and when they took 3.65 bonds they suffered the loss of a percentage as honestly due them as was ever anything to any person in the world.

Now I am told that if these bonds can be made gold-bearing, they will find a market abroad, by reason of which the men who hold them will suffer much less than they otherwise would. I am aware of what has been the decision of the Supreme Court, and pay it all respect, but I still hold that we should regard the desire of moneyed men to treat all bonds of the Government in the same light; and we all hope that the period is not far distant when our currency shall be the equivalent of gold; but during the intervening time the sacrifice is made under your laws and under the decisions of the courts that these are not gold-bearing bonds and that leaves the holder to fail in finding a foreign market. I have looked at the matter in this light, and I believe it is a thing eminently just and right to be done. I think we ought to treat all our bonds as of that character, and in saying so in words we shall soon do justice to them, and if it does increase their value for the time being, it enables the holder to realize some benefit; but when the paper of this country shall be the equivalent of gold, we sustain no loss. I hope the amendment of my friend from New York will be adopted.

Mr. MORTON. That ought to have been the original provision for these bonds; but the bonds have been received in payment by contractors and laborers with a currency interest. The most of them have been compelled to sell them, and they are in the hands of men who bought them to hold them for speculation, and the laborers and contractors who were compelled to take a 70-cent bond at par for debt that they were entitled to 100 cents for, parted with them and the benefit of this is to go to the speculator.

Mr. HAMLIN. Let me say to the Senator that half of them have not been issued.

Mr. SHERMAN. But many of them have been sold.

Mr. CAMERON. I think the Senator from Indiana is entirely mistaken. Most of these bonds were not sold. Some of the men who received them were compelled to sell them; but that is a part of the question with which we have nothing to do. We ought to have given these parties a bond bearing 5 per cent. interest in the first place. We forced them to take these bonds, and some of them not having credit beyond their contracts, were compelled to sell them for what they could get. It is our duty to pay the bonds without regard to whose hands they may have got into. We have nothing to do with the sale or use of them by the persons who received them. They did their work, and we forced them to take this kind of pay. The least we can do, in my judgment, is to give these men the same sort of pay we give to other creditors of the Government. The Government has assumed this debt, and why should we not pay these contractors and laborers as we do others? I trust the amendment will be adopted.

Mr. PRATT. I should like to ask the Senator from Pennsylvania at what rate these bonds drawing a currency interest are kept now?

Mr. CAMERON. I do not know anything about the quotations. Some of the holders have been compelled to sell these bonds; and if I had been disposed to speculate, or other Senators, they might have bought them at a low price. But that would not alter their character. Of course nobody here has anything to do with them; but we have assumed this debt and we ought to pay it.

[Mr. DORSEY addressed the Senate. His remarks will appear in the Appendix.]

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, D. C., January 21, 1875.

DEAR SIR: In answer to your inquiry, we have the honor to send herewith a communication from the board of audit, showing the amount of the indebtedness of the District, audited and certified to the 20th instant, is $7,586,660.37; also a communication from the commissioners of the sinking fund, showing the amount of 3.65 bonds issued to-like date is $3,648,200.

In regard to the interest the certificates of the board of audit bear, to which you called our attention, the board is not prepared to give an opinion.

We accompany this note with a copy of an opinion of the Attorney-General relating to the interest on certificates of the auditor of the late board of public works, which does not apply to the matter of interest on certificates of the board of audit, and may be of no importance to your present inquiry.

Permit us to add that we hope Congress will approve your suggestions to us for defining the time within which the certificates of the board of audit may be converted into 3.65 bonds. Ninety days from the date of the certificates seems to us long enough time within which the conversions shall be made.

We inclose also a printed copy of our communication to Congress relative to appropriation for payment of interest on the 3.65 bonds and note of board of audit, to which we invite your attention.

We trust Congress will provide for the payment of the interest on the 3.65 bonds in coin, agreeably to our suggestion in our report of the 5th ultimo, and of the commissioners of the sinking fund in their annual report. This, with the perfecting of the guarantee of the United States, as provided for in the bill which has passed the House of Representatives, will materially advance the market value of the bonds, quoted in to-day's papers at 69½, which is much less, you are aware, than was expected by Congress on the passage of the act of June 20, 1874, which authorized the issuing of the bonds.

Very respectfully,

W. DENNISON,
J. H. KETCHAM,
S. L. PHELPS,
Commissioners District of Columbia.

Hon. W. B. ALLISON,
United States Senate.

Mr. HAMILTON, of Maryland. I have a word to say on this question. As a member of the Committee on the District of Columbia this proposition was brought to my attention. It did not take any examination on my part for a question of this kind; I never entered into an inquiry as to how many of these bonds were sold, how many were in the hands of the original parties. I did not make any inquiry of the kind. I supported the proposition; I did not want to know anything beyond what the face of it showed. Something was said that speculators had a portion of these bonds. I do not doubt it. I do know individuals who as original parties have bonds, and some too I know who in fact have not yet converted their accounts into these bonds at all. It was only sufficient for me to know that they were bonds to be paid by the Government of the United States, and I determined that they should be paid in gold, as I ever shall and ever will; and the original law never would have received my vote if I had thought at the time these bonds were not to be paid in the only constitutional currency of the land, as I regard it. I do not want this Government to pay in two kinds of currency, to start with, one paper and the other gold. To your domestic creditors you pay paper, and to your foreign creditors you pay gold. I do not want anything but coin paid upon any of the bonds of the United States. I do not want two modes of payment—one of currency and one of coin. I want it uniform; and now upon this occasion, when we have an opportunity of placing the United States in proper position, we should do it. I shall never by my vote recognize that this Government is to pay its bonded indebtedness in paper or the interest in paper. I know it has been done; but so far as I have been concerned personally I have always opposed it and will always oppose it, and no measure sanctioning such a policy shall ever receive my support; and therefore I shall vote for this proposition without reference as to who has the bonds, whether they are in the hands of the original parties or of others.

Mr. FRELINGHUYSEN. I do not rise to debate this question. I think that everybody in the Senate understands it. It is getting to be quite late, and I am sure that we are imperiling this bill if these questions are to be discussed at length.

Mr. MORTON. I hope we shall vote.

Mr. MORRILL, of Vermont. I am satisfied that we are imperiling the bill. I have several amendments that I shall refrain from presenting, because I do understand that the bill is now in danger of not getting through the other House.

Mr. EDMUNDS. You shall vote in half a minute as far as I am concerned, or less. The Senator from Maryland says he is not in favor of anything being paid by the Government but in coin. Does he apply that to his own salary?

Mr. HAMILTON, of Maryland. I apply it to everything in this country that is to be paid, any public or any private indebtedness.

Mr. EDMUNDS. So I understand; but we cannot apply it to our

own salaries, and we cannot apply it to the ordinary affairs of life. We have done all that we can do about this business, and I hope that Senators will not give a vote which shall aid speculators and shavers and that sort of people to make money on this gold basis, but leave this as it has been construed to be, and concur in the amendment made as in Committee of the Whole.

Mr. CONKLING. I ask for the yeas and nays on this question. I will say nothing.

The yeas and nays were ordered.

Mr. BAYARD. I want it to be understood that I am not behind any man in this country in regard for the public credit; my votes in this body will in some degree establish that fact; but it is too late to talk about our having two kinds of currency. Congress years ago ordained it, and they have refused to take steps to bring their paper to a level with gold. In this case, after the contract has been made in the full face of existing facts, why do you select this one class of public creditors and say, "We will pay you in a commodity that has more value than the paper we owe;" and to another class, "We will pay you in paper," which has not the value of the commodity in which you propose to pay the rest? Sir, it is not just. These bonds were issued for the debt assumed by the Government of the United States, incurred in this District by agents of the Federal Government. Ten million dollars were issued. There is no more reason why the $365,000 to be paid yearly by the people of the United States for the interest on the debt of this District should be made $400,000, because that would be the equivalent of $365,000 in gold; I speak roughly, of course, without stopping to compute the exact figures. If this be honest, if honesty demands the payment of it, begin to-day; but do not say that these bonds shall have by the act of Congress a value they did not have at the time they were given to the parties who took them. They were issued for better or for worse upon the credit of the Government, and I trust the day may come when all parties will concur in endeavoring to make the basis of our currency, our legal-tender notes, that in fact which we profess them to be by name; but in the mean time let them all stand on the same basis.

Mr. CAMERON. Mr. President——

The PRESIDING OFFICER. The Senator from Pennsylvania occupied his time before on the same amendment. The question is on the amendment to the amendment.

Mr. LOGAN. I desire to know what the question is.

The PRESIDING OFFICER. The amendment of the Senator from New York to the amendment made as in Committee of the Whole, by inserting "and the said bonds are hereby made payable, principal and interest, in gold."

Mr. LOGAN. I am opposed to that amendment, and I desire to say but a word. It is not necessary certainly for us to say that these bonds shall be paid in gold if they did not say so on their face at the time they were issued and went into the hands of persons who were contractors, who had to take them at sixty-five or seventy cents on the dollar. Doubtless they are now held by speculators, bankers who purchased them at those low prices, expecting Congress to do the very thing we are asked to do now, and put them at par in gold. I think it is not the business of Congress—it ought not to be at least—now to advance the interests of those men by a provision declaring these bonds payable in gold. They took them payable in whatever the bonds said at the time, and let them stand so.

I agree with the Senator from Delaware that there is nothing in the argument about two kinds of currency. We have the two kinds of currency; and while we have them every person who takes bonds takes the responsibility as to whether they are payable in gold or currency and should stand by it, and not expect legislation for the purpose of legislating money into his pockets. I knew my friend from Maryland would naturally insist on having these bonds payable in gold. A banker always has that kind of tendency to have everything run into gold, and generally gets bonds that are.

Mr. HAMILTON, of Maryland. I am no banker and have no bonds or obligations, or anything of this kind. I am no banker.

Mr. CAMERON. I wish you were.

Mr. HAMILTON, of Maryland. I have the old, plain democratic notions once entertained by the honorable Senator from Illinois; and that is gold and silver in the payment of all obligations now and hereafter.

Mr. LOGAN. All I have to say is that I am glad I brought out the Senator unwillingly. I have nothing to say in reply to him. I am very sorry to learn that he is not a banker; I supposed he was. But that is immaterial.

I do not wish to detain the Senate. I merely rose to say that I am opposed to putting money in these speculators' pockets by an act of Congress, and for that reason I am opposed to the amendment.

Mr. CONKLING. Having offered this amendment and not occupied one moment, I wish now to occupy half a minute by the clock, because the Senator from Illinois repeats over again what other Senators have said so much about—speculators. I wish to say two things: First, the truth as shown by a letter from the commissioners, is that not one-half these bonds have ever been issued yet, and not one-third, my friend from Maine [Mr. HAMLIN] says, to those originally entitled to them. That is one pretty bad fact in the way of this speculator argument. The other fact that I wish understood is that there are a large number of men, constituents of my own, who furnished material at the market price in cash, expecting to be paid for it in cash. Those men have been compelled to take these bonds which, when they were issued, were held out with an expectation that in place of being worth only 65 they would in truth be worth more. I heard it argued here on this floor that it was absurd to suppose that they would be worth only 65. They were compelled to take them. Some of them have the bonds; some of them still hold certificates on which as they are advised the law is they can sue and recover a judgment which will bear 6 per cent. interest. I make no argument, but I simply expostulate against those men being ranked or branded as speculators or shysters. They are men who gave a fair day's wages for a fair day's work where they employed others; men who furnished material at the market value and were entitled to one hundred cents in the dollar and they have received some of them sixty-five and some of them seventy——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CLAYTON. I want to say only about three words. It has been argued here that these bonds are all out and hence that they must be in the hands of speculators. I understand that the bonds are not out; that the certificates of indebtedness are out, which are funded into the bonds.

Mr. MORTON. And sold at the price of bonds in the market.

Mr. CLAYTON. What difference does it make whether the certificate or the bond is out in the hands of the speculator?

Mr. CONKLING. It makes just this difference: If a man who furnished material and took certificates has stood upon his rights and refused to take a bond, he is the original holder of the indebtedness, and no speculator has stepped in to profit.

Mr. CLAYTON. But suppose he has sold the certificate to the speculator with the view of its being put into a bond?

Mr. CONKLING. That is not the case I am talking about.

Mr. CLAYTON. It is the case I am talking about.

Mr. EDMUNDS. Suppose he has not stood upon his rights, but stands upon them now; he is not bound to take these bonds at all. Let him stand on his rights if he wants to.

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment to the amendment.

Mr. MORTON. I understand that those who are in favor of paying the bonds in gold vote "yea" on this question.

Several SENATORS. Yes.

The question being taken by yeas and nays, resulted—yeas 15, nays 31; as follows:

YEAS—Messrs. Anthony, Cameron, Conkling, Conover, Dennis, Dorsey, Ferry of Michigan, Hamilton of Maryland, Hamlin, Mitchell, Morrill of Maine, Sargent, Spencer, Tipton, and West—15.

NAYS—Messrs. Alcorn, Bayard, Bogy, Boutwell, Clayton, Cooper, Eaton, Edmunds, Flanagan, Goldthwaite, Gordon, Hager, Hamilton of Texas, Hitchcock, Ingalls, Johnston, Kelly, Logan, McCreery, Merrimon, Morrill of Vermont, Morton, Oglesby, Pease, Pratt, Robertson, Saulsbury, Schurz, Sherman, Sprague, and Stevenson—31.

ABSENT—Messrs. Allison, Boreman, Brownlow, Carpenter, Chandler, Cragin, Davis, Fenton, Ferry of Connecticut, Frelinghuysen, Gilbert, Harvey, Howe, Jones, Lewis, Norwood, Patterson, Ramsey, Ransom, Scott, Stewart, Stockton, Thurman, Wadleigh, Washburn, Windom, and Wright—27.

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Committee of the Whole.

The amendment was concurred in.

The PRESIDING OFFICER. The next reserved amendment will be read.

Mr. EDMUNDS. I understood that the reserved amendment on page 7, line 144, was passed over.

Mr. SARGENT. That was laid over until the Senator could come in.

Mr. EDMUNDS. I supposed that disagreeing to it was satisfactory to the committee. I consulted with the chairman, and understood that disagreeing to that particular amendment was agreeable to the committee.

Mr. SARGENT. On the contrary, the committee has not had a meeting. The Secretary of the Treasury was present at the time this proviso was changed from the House provision and suggested these changes, and after they were made it was read over to him and we inquired of him if that was right, and he said it was. I have no new light since that time. I put a great deal of reliance on the Secretary of the Treasury in this matter, as it is under his charge.

Mr. EDMUNDS. Let the amendment be read.

The CHIEF CLERK. The Senate, as in Committee of the Whole, inserted on page 7, line 144, the words "to be done within the District of Columbia."

Mr. CONKLING. I suggest that the Secretary has not reported the whole amendment. In line 140 the words are stricken out "in his discretion may" and in the next line the word "shall" inserted.

Mr. EDMUNDS. That was not reserved; so that that part of it is agreed to. The only thing open is the amendment in line 144.

Mr. SARGENT. On the contrary the whole is all one amendment. It was all reserved.

Mr. EDMUNDS. I beg the Senator's pardon. So far as I am concerned I stated—and the reporter's notes will show that I am correct and the Secretary's minutes, too—that I only reserved the amendment in line 144, and I ask the Chair whether I am correct or not.

Mr. SARGENT. I do not know that the Senator wants to take a technical advantage. I noticed that the amendment on page 7 to this paragraph was said to be reserved by the Chair. I was satisfied with the reservation. Subsequently, when it was called up in the Senator's absence, I had it laid over till he could be here.

The PRESIDING OFFICER. The minutes of the Secretary confirm the statement of the Senator from Vermont.

Mr. EDMUNDS. I do not wish to take technical advantages; but when I state in the Senate in clear and loud language, as strong as my lungs will permit me to speak, that I reserve a particular amendment which appears in a particular line of a particular bill, I do not think that anybody can justly accuse me of being technical when I say I did not reserve anything else. If I am obnoxious to objection under that state of circumstances, I should be glad to know the reason of it; but I do not want to spend time about that. If there is any misunderstanding about it, of course the Senator from California can ask consent to have it corrected. I had the impression that these prior amendments which had been recommended by the committee, and which it appeared to me were wise enough, did not disturb the question whether we should compel the Secretary of the Treasury to have this work done in the District of Columbia. That is the point. I suppose every Senator within the hearing of my voice knows perfectly well that reading between the lines, as the saying is, "in the District of Columbia" means and reads "in the workshop of the Columbian Bank-note Company." There is not any other engraving and printing establishment in the District of Columbia that ever I heard of, except that in the Treasury Department.

Mr. SARGENT. Will the Senator allow me?

Mr. EDMUNDS. If it does not come out of my time.

Mr. SARGENT. I will not ask it.

The PRESIDING OFFICER. It would come out of the time of the Senator from Vermont.

Mr. EDMUNDS. Then I will not allow him.

Mr. SARGENT. If that is an imputation on the committee—

Mr. EDMUNDS. Not by any means an imputation on the committee. The Senator is altogether too ready to suspect, beyond what he knows of something not expressed——

Mr. SARGENT. I am not ready; but I understand the English language.

Mr. EDMUNDS. I have not the slightest criticism in the world to make on the committee either in feeling or innuendo or any other thing, but I say that we all know I suppose that there is one bank-note company in this town within a quarter of a mile of the Treasury Department. Now, what was the idea in the previous management of this affair in order to secure the United States? There are three prints to be made—the backs and the tints and the face printing, as they call it. In order to make security against unlawful issues, it has been thought for years, upon careful consideration, desirable that these separate pieces of mechanical work should be done in as widely separated places as possible, and the farther you get them apart the better it is for the safety of the people. It costs expressage, it is true; it costs a little inconvenience, it is true; but how does that weigh in comparison, in these vast issues and reissues, with making the Treasury and the tax payers and the holders of these securities perfectly safe in respect to the genuineness of the issues that they have in hand. The effect of this amendment, as reported by the committee, is to have all these three things done within a quarter mile's space. You might as well say they shall all be done in the Treasury Department, and then you would have the old dangers and the old abuses and the old frauds that did exist when all was done in the Treasury Department, as it appears to me.

If you disagree with this amendment, you still leave with the Secretary the discretion, if he thinks it wise to reduce this geographical area, to do so; and if he thinks it not wise, then he can employ companies in Chicago or Philadelphia or New York or Boston, or wherever, in order to keep up the theory of geographical separation to avoid fraud. I hope this amendment will not be concurred in.

Mr. SARGENT. I now know, I think for the first time in my life, the name of the bank-note company here. The Senator mentions it; he says it is the Columbian. He knew better than I did. I could not have given the name. I had been informed that there was one company here. The largest company in New York made an offer to the Committee on Banking and Currency of the House, who examined the matter at great length, to bring their establishment here. The amount of transportation paid now is very large indeed. The Senator does no more than justice when he says it is a very important subject. I think it is so important that this cost should be saved if it be possible. I do not believe that entirely separate and distinct establishments would be likely to lead to frauds; but I do believe that it would be perfectly safe if all of it was done by the Treasury Department, and that no frauds would arise from it.

But I do not wish to take up time in debate. I have sat here now for nearly eight hours in this chair, scarcely getting out of it except to speak for a few moments at a time, and I am too weary to make a fight. I only say that the Secretary of the Treasury fixed this clause to suit himself and recommended it to the committee. I myself read it to him after it was done, and he said "that is just what I want." It is on that faith I am proceeding. If he knows that the Columbian Bank-note Company is intended to be read between the lines here, he must take the responsibility.

Mr. SHERMAN. If these words are left out, the Secretary of the Treasury can contract with any company in the United States. This is a limitation on his discretion. I do not think under the circumstances it ought to be in. It think it is better and safer to leave this matter open to the competition of all bank-note companies in the United States.

The PRESIDING OFFICER. Is the Senate ready for the question on the amendment?

Mr. CONKLING. I want to know what amendment we are going to vote on. I did understand, as the Senator from California did, that the change in this paragraph was reserved, although the Senator from Vermont is no doubt right in saying that his mind was upon a single line, and I should like to know before we go further on what we are to vote.

The PRESIDING OFFICER. The vote is to be taken on the words in line 144, "to be done within the District of Columbia." That was the reservation made by the Senator from Vermont when he asked that the amendment be reserved.

Mr. CONKLING. Then I wish to inquire of some Senator whether the word "shall" in the line above being stricken out and the word "may" inserted, it will not be inharmonious. Let us see how it will read:

That the Secretary of the Treasury shall have executed one or two of such printings by such responsible and capable and experienced bank-note companies or bank-note engravers as may contract for the same.

Mr. MORTON. It is all harmonious.

Mr. CONKLING. He shall have it done by such company as may contract.

Mr. EDMUNDS. That is, it excludes one from the Treasury; he only does one in the Treasury, or two, at his discretion.

Mr. CONKLING. Then the Senator's idea would leave nothing to his discretion except as to the person with whom he should contract, and that might be in the District or out of it.

Mr. EDMUNDS. That is all.

Mr. CONKLING. I am not prepared to say that that is unwise as we stand, although if we had the section as it passed the House I think we should be better off than we shall be with that; but I make no objection.

The PRESIDING OFFICER. The question is on concurring in the amendment.

The amendment was non-concurred in.

Mr. SARGENT. Now I ask that the other amendments in the same paragraph be non-concurred in.

Mr. EDMUNDS. No; those have been concurred in. It is just right now. The Senator himself will be satisfied, on examination, that it is right.

Mr. SARGENT. Very well.

Mr. BAYARD. I propose to amend the bill on line 141, page 7, by striking out the words "one or;" so as to make the clause read:

That the Secretary of the Treasury shall have executed two of such printings by such responsible and capable and experienced bank-note companies or bank-note engravers as may contract for the same, &c.

Mr. President, one of the evils of a paper currency, of a paper money, and not one of its least evils, is the fact that not having one particle of intrinsic value, being simply good paper spoiled by the characters impressed upon it, and its whole value existing in the credit of the United States, which impresses its insignia upon it, the importance arises of having the accuracy and verity of these impressions protected; because if you shall put it in the power of any set of officials to create at their will, without proper checks and guards, this paper currency, you will find the whole discredited by having part issued without authority.

One method of preserving the reputation of your currency, and of course its value, will be by having the public assured that none is issued except that which is legitimized; and every safeguard that shall tend to produce that impression in the public mind and secure that as a fact should not be and cannot be properly disregarded. Therefore it is that the different processes whereby the insignia of the Government credit are stamped on blank paper should be conducted in different places and by totally different hands. No man should be intrusted to perfect the printing of the Government paper in his own hands. There must be a check by having part of the process of printing executed at one place and part at another, and the whole perhaps more safely brought together in the Treasury to receive the final seal of approval from the proper official hands.

The object of this amendment is to prevent the possibility of any portion of the notes, bonds, and other securities of the Government ever being perfected by a single hand or at one place, but to secure, by the partial creation of this paper money in one place, the check consequent upon its perfection in another place. The amendment that I have offered I believe works this result. It was the substance of the bill as originally introduced into the House of Representatives, which was changed in the House and came to the Senate in a different form. The Senate amendment has again changed that, and we have partially brought ourselves to the position taken by the House.

Now, Mr. President, that was not simply the action of that House committee, but it was the result of a most laborious and careful investigation by two committees of the different Houses, one of them I think, lasting for two years, from 1867 to 1869, of which the honorable Senator from Vermont was the chairman, making a most laborious

and thorough report upon the subject, which leads to the result of the amendment which I have indicated here. I trust some heed will be paid to this.

Mr. BOUTWELL. I have to say that when the Senator from Delaware refers to the proceedings of the committee of 1867 and 1868, he speaks of a condition of things that has since been entirely changed. This bill as it stands does provide that at least one impression shall be made elsewhere than at the Treasury, and that is all the security that is necessary as a matter of fact or to satisfy the public opinion of the country. Inasmuch as I for one, concurring with the Senator who has charge of this bill, fear that we are periling the bill by debate, I move to lay this amendment on the table.

Mr. BAYARD. I hope that motion will not prevail.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts to lay the amendment on the table.

The motion was agreed to; there being on a division—ayes 20, noes 18.

Mr. BAYARD. I consider this amendment all-important to the people of this country; and although the honorable Senator from Massachusetts——

Mr. BOUTWELL. I rise to a question of order.

The PRESIDING OFFICER. The Chair has announced the decision.

Mr. BAYARD. I forgot the rule on that subject. I ask for the yeas and nays on the question. ["Too late!"]

The PRESIDING OFFICER. The amendment has been disposed of, and the Chair cannot entertain the call for the yeas and nays. The next reserved amendment will be read.

The CHIEF CLERK. The next reserved amendment is on page 36, in the clause commencing on line 172, to strike out "50" and insert "40."

Mr. SARGENT. That was not reserved.

The PRESIDING OFFICER. The Chair understands that the Senator from Nebraska [Mr. HITCHCOCK] reserved it.

Mr. SARGENT. The Senator was mistaken in his reservation. He supposed that because he offered an amendment in Committee of the Whole which was not adopted, it could be reserved in the Senate.

Mr. HITCHCOCK. Very well; let it go.

The PRESIDING OFFICER. The next reserved amendment will be read.

The CHIEF CLERK. The Senate, as in Committee of the Whole, struck out the following items on pages 44 and 45:

To enable the proper accounting officers to settle the accounts of Binger Herman, late receiver of public moneys at Roseburgh, Oregon, the sum of $545.77 is hereby appropriated, of which the sum of $116.53 only may be repaid from the Treasury as balance due him for overpayment on account of sales of public lands.

Mr. MITCHELL. I will state that this amendment consists in striking out five or six lines inserted in the bill by the House of Representatives. Mr. Herman was receiver of the land office at Roseburgh, in Oregon, and he was also disbursing agent. By an overpayment into the Treasury there was a balance to his credit as receiver of $545.77, and there was also a balance against him as disbursing agent of $429.34, leaving a net balance due him of $116.53. The first sum, however, has been covered into the Treasury, and it is necessary, in order to enable his accounts to be settled, to have this provision made. The item is recommended by a letter from the Commissioner of the General Land-Office, which I have in my hand, and which I send to the Secretary and ask to have read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 13, 1875.

SIR: I am in receipt of your note of the 11th instant, accompanied by House bill No. 4175, for the relief of Binger Herman, late receiver of public money at Roseburgh, Oregon. In answer I have to state that it appears from the records of this office that, in consequence of an overpayment into the Treasury, there is a balance to his credit as receiver under bond of 4th of March, 1871, amounting to $545.77; and a balance against him 30th of June, 1872, as disbursing agent, $429.24; leaving a net balance due him of $116.53. The sum first named appears to have been regularly covered into the Treasury, and cannot be legally withdrawn therefrom, except by special legislation. Hence, in order to close his account, both as receiver and disbursing agent, this office would suggest that the act for his relief shall cover the sum of $545.77, the amount due him as receiver, of which $429.24 can then be carried to the credit of his disbursing account, leaving $116.53 to be remitted to him by Treasury draft.

I am, very respectfully, your obedient servant,

S. S. BURDETT,
Commissioner.

ROBERT J. STEVENS, Esq.,
Clerk to Committee on Appropriations, House of Representatives.

Mr. MITCHELL. I hope the amendment will not be insisted upon on this showing.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was non-concurred in.

The Chief Clerk read the next reserved amendment, which was to strike out the following clause on page 46, from lines 1106 to 1112:

For the purpose of paying the State lunatic asylum for insane convicts at Auburn, New York, for the keeping of George Sheppard and James Blowers, United States convicts, who became insane while undergoing sentence, and who were kept and maintained in said asylum after their sentence had expired, the sum of $5,009.46.

Mr. SARGENT. That we struck out for want of information.

Mr. CONKLING. It should not be stricken out.

Mr. EDMUNDS. Why not?

Mr. CONKLING. For a very obvious reason. When I say it should not be stricken out, of course there can be but one reason. These were two convicts who, as recited here, became insane while undergoing sentence. In this charitable institution, after their sentence expired, they were maintained on account of the United States as insane persons.

Mr. MORTON. For how long?

Mr. CONKLING. I cannot tell the Senator from Indiana that.

Mr. MORTON. It seems to be a pretty good price.

Mr. CONKLING. Whatever the appropriation here may be—and I am told by one of my colleagues in the other House that it is the proper amount—I take it the accounts will be audited and only the exact sum due will be paid.

Mr. EDMUNDS. Were these citizens of New York, or were they sent there from some other place?

Mr. CONKLING. I understand they were sent under contracts from some other place, I cannot tell where. They were strangers, sojourners, where they were confined.

Mr. SARGENT. I suggest to the Senator from New York that he had better let this go to a committee of conference, and I will ascertain the facts.

Mr. EDMUNDS. Is there any report from the Secretary of the Interior, or whoever has charge of this question, on the subject?

Mr. SARGENT. None in the Senate. We struck out the item because we wanted information about it, and we may obtain that information in a committee of conference.

Mr. CONKLING. This is not of any importance to me, and certainly I am not going to throw myself at the feet of the Senate to do anything about it. I hope the Senate will do exactly what it thinks right; but it is my duty to state the facts as I have them from my colleague in the other House who represents this district, who presented them to the committee of the House, which that committee examined and adjudged upon. He gives this statement, that these persons under the circumstances I have described were maintained by this charitable institution on account of and under a contract with the United States. What other fact can there be about it, unless the veracity of this statement is disputed? If I had supposed it were necessary for me to send and get here the papers upon which the House committee acted, of course I might have done that; and perhaps I am derelict that I did not do it; but it did not occur to me.

Mr. SARGENT. That would have been better before our committee.

Mr. CONKLING. I have only to say that if in all cases the House committee, on a recommendation or statement of a Department, inserts an item which recites on its face exactly what it is, the committee here is so particular as to require not only the word of the committee of the House, the word of the member who knows the facts, but the original vouchers and evidence sustaining all that, I will award it the praise of saying that it is the most careful committee I have ever heard of in either House of Congress.

Mr. SARGENT. The Senator will allow me to say that none of those things were before our committee.

Mr. CONKLING. So I supposed, but they were before the committee of the House, and it was put in, and the Senator says the committee here struck it out for want of information. Now I tell the Senator that the member of Congress from that district and from that place came to me to-day and told me that it was all as recited on the face of this enactment and that there was and could be in truth no answer to it. I think that is enough *prima facie*, supplementing the action of the committee of the House and the House itself.

Mr. EDMUNDS. Then the case stands as it stands in the bill. The member of the House says that what appears on the face of the bill is so; and that is, that there were insane convicts who were convicted by the courts of the United States and kept in this institution. Whether they were transferred from the prison in which they were undergoing sentence as convicts, on some humane process of the laws of Congress, being citizens of the State of New York, to this place, or how, we are not informed.

Mr. CONKLING. I beg the Senator's pardon. I answered the latter of those questions, and I said that they came from some other State than the State of New York, but from which State I did not inquire. And as I am up, I will also say that they were transferred, as I understand it, after their sentences had begun and not very long after, they then becoming maniacs and being transferred as other convicts are.

Mr. EDMUNDS. Yes; but the misfortune is that we are here establishing what may be a very dangerous precedent. If these convicts were brought from some other State to this penitentiary at Auburn, under the laws of the United States, and of course by the consent of the State of New York and its authorities, then there might be some equity in saying that the United States should either get them back again to the place of their homes, they being insane, that they might be supported there, or something of that kind. But in order to do this, we ought to know upon the record—although of course my friend knows it; I do not doubt his belief or the belief of his member of Congress—but we ought to have from the proper Department, not in the House of Representatives but here, the precise facts of the case. If we are to say where convicts under the laws of the United States, sent to a penitentiary and becoming insane, are transferred to an asylum when their term expires, that the United States is under an

obligation to provide for such people all the rest of the days of their lives, it is a very dangerous thing to say because, Mr. President——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CONKLING. I believe I did not consume the whole of my time.

Mr. EDMUNDS. Have I consumed my time?

The PRESIDING OFFICER. The Senator from New York has one minute left.

Mr. CONKLING. Suppose it is true that the committee ought to have had this evidence before it and did not send for the evidence, does it follow logically that we ought to strike this out and deprive the institution of the money because the committee did not send and get the evidence at the Department?

Mr. FRELINGHUYSEN. I think there is a general law on this subject passed at the last session of Congress. As I recollect it, the law is that when convicts of the United States become insane in any of the prisons to which they are committed, they are brought to the asylum within the District until that is filled, unless they prefer being sent to an asylum near their friends in some State. I know there is such a law, for I was on the conference committee that agreed upon it; and I remember at that time, as that law is only prospective, of hearing, I think from one of the Representatives from New York, of this case, but what the amount was I do not know.

The PRESIDING OFFICER. The question is on concurring in the amendment made in Committee of the Whole striking out the clause.

The amendment was concurred in.

Mr. HAMLIN. I believe that is the last of the reserved amendments.

The PRESIDING OFFICER. There are no other reserved amendments.

Mr. HAMLIN. I move that the bill be amended on the forty-seventh page by adding after the word "Washington," in line 1133, the words "or in the District of Columbia." Some of the hospitals are in the city and some in the District outside of the city limits.

The amendment was agreed to.

Mr. PRATT. I move to amend the bill, commencing at line 941, on page 39, by inserting what was stricken out by the Senate in Committee of the Whole. I ask that the Clerk read the words.

The CHIEF CLERK. The amendment is to insert after line 941 the following words:

That so much of the act entitled "An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1871, and for other purposes," approved July 15, 1870, as requires the payment by the Northern Pacific Railroad Company of the cost of surveying and conveying the lands granted said company, be, and the same is hereby, repealed, and no cost for surveying shall be collected from said company.

Mr. PRATT. I wish to explain the amendment; it will not take me very long. This matter was brought to my attention by the attorney of the Northern Pacific Railroad Company, a gentleman very well known to this body, a member of it for eighteen years, who presided over its deliberations for two or three years. At the last session this amendment passed this body. It is an act of simple justice, as I will endeavor to show in a very few words.

In 1870, six years after the Northern Pacific Railroad had been chartered, Congress, in an appropriation bill similar to the one we are considering now, enacted as follows:

For the survey of the public lands within the limits of the land grant to the Northern Pacific Railroad Company in a direct line extending from Du Luth, on Lake Superior, to Georgetown, on the Red River of the North, $95,980: *Provided*, That $5,000 of this appropriation shall be expended for office work by the surveyor-general of Minnesota: *And provided further*, That before any land granted to said company by the United States shall be conveyed to any party entitled thereto under any of the acts incorporating or relating to said company, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same, by the said company or party in interest.

Under the provisions of this law this company is required as a condition to receiving the lands earned by the construction of the road to pay the entire cost of the selection, survey, and conveyance of the lands. This, the company think, is in direct derogation of their rights under their charter. The company claim that by their charter they are entitled to have these lands surveyed by the Government and conveyed by the Government without any expense to the company, and I think that they are right in it. I have the charter before me, and, with the permission of the Senate, I will read those provisions that bear directly upon this question.

The third section makes the grant a grant of each alternate section for twenty miles on each side of the road where it runs through the Territories, and for half that distance on each side of the road where it runs through the States, odd-numbered sections. Then the fourth section provides—

That whenever said Northern Pacific Railroad Company shall have twenty-five consecutive miles of any portion of said railroad and telegraph line ready for the service contemplated, the President of the United States shall appoint three commissioners to examine the same, and if it shall appear that twenty-five consecutive miles of said road and telegraph line have been completed in a good, substantial, and workman-like manner, as in all other respects required by this act, the commissioners shall so report to the President of the United States—

Mark what follows now—

and patents of lands, as aforesaid, shall be issued to said company, confirming to said company the right and title to said lands, situated opposite to and coterminous with said completed section of said road; and from time to time, whenever twenty-five additional consecutive miles shall have been constructed, completed, and in readiness as aforesaid, and verified by said commissioners to the President of the United States, then patents shall be issued to said company conveying the additional sections of land as aforesaid, and so on as fast as every twenty-five miles of said road is completed as aforesaid.

Can anything be plainer than that?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAYARD. It would be very difficult to find any disinterested person to say that there was any justice in first giving a man a farm and then having to pay yourself for having the lines of it surveyed. I spoke this morning on the subject of the munificence of the grant by the Congress of the United States to this railroad company; and it does seem to me that when there was no agreement that this thing should be paid, certainly now what it is proposed to express by a new law is utterly unreasonable and unjust. I trust the amendment will not be agreed to.

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

The amendment was rejected.

Mr. CRAGIN. I offer the following amendment to come in at the end of page 53. It is reported from the Committee on Commerce. Whatever may be its fate, I offer it.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed after line 1300 to insert:

For the establishment of a signal station at Star Island, Gosport, New Hampshire, under the direction of the Signal Service Bureau, $10,000.

The amendment was rejected.

Mr. MERRIMON. I feel constrained to offer again an amendment which I offered in Committee of the Whole.

Mr. SARGENT. I raise the same point of order.

Mr. EDMUNDS. It may not be the same thing. Let it be read.

The CHIEF CLERK. The proposed amendment is to insert:

To pay arrearages due to mail contractors for conveying the United States mail before the 1st of June, 1861, $372,000; and all laws and parts of laws forbidding the payment of the same are hereby repealed.

Mr. CONKLING. Is that in order?

The PRESIDING OFFICER. The Chair will submit the question to the Senate whether the amendment shall be received.

Mr. MERRIMON. Let me state the ground on which I act. I say this is not an appropriaton for the benefit of a private claim, but is an appropriation for the general service of the Post-Office Department of the Government.

Mr. EDMUNDS. I think it has been ruled out at a great many sessions as a private claim, on the ground that if it were to pay one man it was a private claim; and because you put twenty or one hundred together, it makes it no less so.

Mr. MERRIMON. It is an appropriation for the general purpose of the Post-Office Department. Two years ago an appropriation like this went on a similar bill. If the exception is good in this case, it would be in many others.

Mr. CONKLING. I raise a question of order. Has this been reported by any committee?

Mr. MERRIMON. Yes, sir.

Mr. CONKLING. By which committee?

Mr. MERRIMON. The Committee on Post-Offices and Post-Roads. They authorized me to report it.

The PRESIDING OFFICER. It comes within the rule except as to the question of being a private claim, and the Chair will submit that question to the Senate.

Mr. MERRIMON. If the exception taken here is good, it seems to me it would apply to nearly every item of appropriation contained in the deficiency bill, for the appropriations made in the deficiency bill are to pay arrearages that have not been paid.

Mr. EDMUNDS. To save all questions of order, I move to lay the amendment on the table.

The PRESIDING OFFICER. It is moved to lay the amendment on the table.

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

The yeas and nays were not ordered.

The motion to lay the amendment on the table was agreed to.

Mr. MITCHELL. I offer the following amendment to be inserted after line 1783:

For the completion of the building for a custom-house and court-house in Portland, Oregon, $40,000.

When the Senate was in Committee of the Whole I offered this amendment. The Senator from California [Mr. SARGENT] raised the point of order. The present occupant of the chair sustained the point, which he would not have done unquestionably if the facts had been known. I now desire to state simply that some three years ago the Government authorized the construction of a public building in Portland, Oregon. That building is about completed. I hold in my hand an estimate from the head of the Treasury Department showing that $40,000 are necessary to complete that building.

That is all there is of this amendment. It was stated by the honorable Senator from California who has charge of the bill that the committee made no appropriations, as I understood him, for the continuation of buildings. I find an amendment on page 71 like this:

For continuation of building for custom-house at New Orleans, Louisiana, $100,000.

Mr. SARGENT. Did the Senator understand me to say that we had made no appropriations for continuing buildings?

Mr. MITCHELL. I understood so.

Mr. SARGENT. I did not say that. There are a number of those in the bill.

Mr. MITCHELL. I ask that this amendment be adopted. The amendment was proposed and referred to the honorable Committee on Appropriations. No attention was paid to it. It is only on a line with similar amendments which have been adopted by the Senate since this bill has been reported. I simply desire to say that I hope it is not the intention of the Senate to make fish of one and flesh of another.

Mr. SARGENT. There is no fish or flesh about it. I make the point of order. I make the point of order as I have on other amendments.

Mr. MITCHELL. What is the point of order?

Mr. SARGENT. The point of order is that this is not reported by any standing committee.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. MITCHELL. I appeal from the decision of the Chair, and I desire to be heard on that point. This is in pursuance of an estimate from the head of the Department, and for that reason I insist that I have a right to offer it here, notwithstanding it has not been reported from the Committee on Appropriations.

Mr. SARGENT. It is not in the book of estimates at all.

Mr. MITCHELL. I hold in my hand two estimates by the Department urging the appropriation.

Mr. SARGENT. That is not an estimate.

Mr. MITCHELL. The rule does not say it must come in the book of estimates. I will read the rule:

No amendment proposing additional appropriations shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law, or some act or resolution previously passed by the Senate during that session, or moved by direction of a standing or select committee of the Senate, or in pursuance of an estimate from the head of some of the Departments.

Now I say that I have an estimate from the head of the Treasury Department. The rule does not say it shall be in the book of estimates, but that an estimate shall have been made.

Mr. SARGENT. The Senator means to say that by personal solicitation he has obtained a letter from the head of the Department.

Mr. MITCHELL. I do not say any such thing. I never wrote a letter on the subject. I have never asked the Secretary of the Treasury to write me a letter or give the estimate, but on the contrary he has written the letter voluntarily, not to me, not to the gentleman, but to the honorable chairman of the Committee on Appropriations of the House, urging this, saying it has become a matter of necessity that this additional appropriation be made in order to complete the building at Portland, Oregon; and if there is any question about that, I will ask to have the papers read. I hold them in my hand. There has been no solicitation on my part. I have never asked it; and it is very unjust, to say the least, that the Senator from California should say so.

Mr. SARGENT. I do not say the Senator did anything improper. I merely say that heads of Departments frequently write letters on the urgency of Senator's or members of the House, which have not the same gravity and importance as the estimates which are referred to by our rules, which go from the subordinates up to the head and are sent here in well-considered form and bear their own weight and are recommended on their own merits. I move to lay the appeal on the table.

The PRESIDING OFFICER. The Senator from California moves to lay the appeal on the table.

The motion was agreed to; there being on a division—ayes 22, noes 17.

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

The yeas and nays were not ordered.

Mr. HITCHCOCK. I desire a vote upon the amendment offered by me in Committee of the Whole, on page 36 to strike out "$50,000" and insert "$100,000" as the appropriation for surveying the public lands in Nebraska.

I wish simply to say that last year the appropriation was enlarged in Kansas for the purpose of completing the surveys and allowing the discontinuance of the Surveyor-General's Office. The Senate will find no appropriation in this bill for Kansas. The object of this amendment is to do the same thing for Nebraska.

Mr. SARGENT. I wish to know whether an appropriation is to be put in of forty or fifty thousand dollars more than the estimate made by the Interior Department. The Interior Department sends us an estimate for Nebraska of $60,000. Here the proposition is to carry it up to $100,000. The committee of the Senate thought it was right to give $50,000. Here is a proposition to double it. I simply want to protest against it.

Mr. HITCHCOCK. But a word in answer to that. It was not called to the attention of the Secretary of the Interior nor to my own attention till recently that such a saving could be made by the discontinuance of the office by making this appropriation. So soon as it was called to his attention he did send the estimate, which is here and can be read if gentlemen desire to hear it.

The amendment was agreed to; there being on a division—ayes 22, noes 17.

Mr. BAYARD. There is one amendment which I am constrained to move, and I do not propose to argue it. Beginning at line 152, page 7, I find the following provision:

For defraying the expenses of the Supreme Court and circuit and district courts of the United States, including the District of Columbia; and also for jurors and witnesses and expenses of suits in which the United States are concerned, of prosecutions for offenses committed against the United States; for the safe-keeping of prisoners; and for the expenses which may be incurred in the enforcement of the act of February 28, 1871, relative to the right of citizens to vote, or any acts amendatory thereof or supplementary thereto, $3,000,000.

We have had at the present session three or four bills from the Committee on the Judiciary which I believe have become laws by the concurrence of the other House, tending to bring down the enormous expenses of this Department of Justice to something within reason. I move to amend the clause by striking out "$3,000,000" and inserting "$2,500,000," believing that if you put in $3,000,000, as is the case with all other appropriations, every dollar will be consumed; and if you put in $2,500,000, there will then be spent half a million more than ought to be. I offer my amendment in the face of what is known, that there is no general election during the year 1875. If there be occasion for it, it can be supplemented hereafter; but in face of the retrenchments made by various acts diminishing the constructive charges of marshals and others who have so depleted the Treasury, or, to use another and proper phrase, so robbed it, surely two and a half millions ought to be enough.

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

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

The yeas and nays were ordered.

Mr. SARGENT. One word only. The amount allowed in the bill is $200,000 less than the estimates.

Mr. CONOVER. On this question I am paired with the Senator from Delaware, [Mr. SAULSBURY.] If he were present he would vote "yea," and I should vote "nay."

The question being taken by yeas and nays, resulted—yeas 17, nays 32; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Cooper, Davis, Eaton, Goldthwaite, Gordon, Johnston, Kelly, McCreery, Merrimon, Norwood, Ransom, Schurz, Stockton, and Tipton—17.

NAYS—Messrs. Allison, Boreman, Boutwell, Chandler, Clayton, Conkling, Cragin, Dorsey, Ferry of Michigan, Flanagan, Frelinghuysen, Hamilton of Texas, Hamlin, Hitchcock, Ingalls, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Patterson, Pease, Pratt, Ramsey, Robertson, Sargent, Scott, Sherman, West, Windom, and Wright—32.

ABSENT—Messrs. Anthony, Brownlow, Cameron, Carpenter, Conover, Dennis, Edmunds, Fenton, Ferry of Connecticut, Gilbert, Hager, Hamilton of Maryland, Harvey, Howe, Jones, Lewis, Saulsbury, Spencer, Sprague, Stevenson, Stewart, Thurman, Wadleigh, and Washburn—24.

So the amendment was rejected.

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.

Mr. SARGENT. I ask that the bill be ordered to be printed with the Senate amendments, at once.

It was so ordered.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. No. 420) to amend an act entitled "An act for the restoration to the homestead entry and to market of certain lands in Virginia," approved June 10, 1872, and for other purposes;

A bill (H. R. No. 4857) extending the privilege of the Library of Congress to the Regents of the Smithsonian Institution;

A bill (H. R. No. 4850) authorizing the appointment of gaugers for the customs service at the port of Philadelphia;

A bill (H. R. No. 4820) authorizing the Wisconsin Central Railway Company to straighten the line of their road;

A bill (H. R. No. 4840) for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876, and for other purposes; and

A bill (H. R. No. 4861) granting a pension to Louis Heinley.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. MORRILL, of Maine, submitted the following report:

The conference committee on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, having met, after full and free conference have been unable to agree.

LOT M. MORRILL,
GEORGE F. EDMUNDS,
H. G. DAVIS,
Managers on the part of the Senate.

HORACE MAYNARD,
CHARLES O'NEILL,
JAMES C. ROBINSON,
Managers on the part of the House.

On motion of Mr. MORRILL, of Maine, it was

Resolved, That the Senate further insist upon its amendments to the said bill and agree to the further conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

The VICE-PRESIDENT appointed Mr. EDMUNDS, Mr. THURMAN, and Mr. INGALLS.

RAILROADS IN THE TERRITORIES.

Mr. STEWART submitted the following concurrent resolution:

Resolved by the Senate, (the House of Representatives concurring,) That the Committee on Enrolled Bills, when they examine the bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States and granting to railroads the right of way through the public lands, be authorized to change the title to said bill to read as follows: "An act granting to railroads the right of way through the public lands of the United States;" the amendment of the title of the said bill having been accidentally omitted in the recommendations of the committee of conference on the said bill.

Mr. EDMUNDS. I merely wish to say that when this conference report was made I had a serious objection to one part of it, which struck out the authority to the States which might succeed these Territories to control by legislation the operation of the railroads. In my absence the conference report was taken up and agreed to. I shall feel justified in letting this have the go-by now; but I do not think it is the right thing to do. I am very sorry it was taken up in my absence, but I shall make no objection to the Senator's resolution.

Mr. BAYARD. I will say to the Senator from Vermont that in his absence I raised that question, and it was answered by the Senator from Nevada that the reservation had been made.

Mr. STEWART. No. This is the fact as regards it: The original bill provided for corporations; we yielded to the House all question of corporation, and this is simply a grant of the right of way. There is no creation of corporations in the bill.

The resolution was agreed to.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a report of the Secretary of War, transmitting a report of Major W. E. Merrill, Corps of Engineers, upon the radical improvement of the Ohio River from Cairo to Pittsburgh; which was ordered to lie on the table and be printed.

CREDENTIALS.

Mr. CONOVER presented the credentials of Hon. Charles W. Jones, chosen by the Legislature of Florida a Senator from that State for the term beginning March 4, 1875; which were read and ordered to be filed.

Mr. DAVIS presented the credentials of Hon. Allen T. Caperton, chosen by the Legislature of West Virginia a Senator from that State for the term beginning March 4, 1875; which were read and ordered to be filed.

PAY OF PAGES.

Mr. DENNIS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution yesterday submitted by Mr. TIPTON, reported it without amendment; and the resolution was considered and agreed to, as follows:

Resolved, That the pay of the pages of the Senate be continued until the end of the present month, and that the Secretary is hereby directed to allow and pay the same.

CLERKS OF COMMITTEES.

Mr. DENNIS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution yesterday submitted by Mr. RAMSEY, reported it without amendment; and the resolution was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay the clerks of the several standing committees of the Senate their usual per diem compensation for the month of March.

RIVER AND HARBOR BILL.

Mr. CHANDLER. I move to proceed to the consideration of the river and harbor bill, House bill No. 4740.

The motion was agreed to; and 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 was before the Senate.

Mr. CHANDLER. I move that the five-minute rule be applied to debate on amendments to this bill.

The motion was agreed to.

Mr. CHANDLER. There is one verbal amendment, which the Secretary has, which I will ask him to read—the change in the name of a firm.

The CHIEF CLERK. It is proposed, on page 3, line 63, after the word "contractors," to insert "Barker, Williams, & Bangs," so as to read:

For the improvement of Saint Mary's River and Saint Mary's Falls Canal, $200,000; of which sum not to exceed $40,000 may be used in the settlement of such claims of the contractors, Barker, Williams & Bangs, and Barker & Williams, for damages and delays, &c.

The amendment was agreed to.

Mr. CHANDLER. I wish to state that this bill contains appropriations amounting to about $6,000,000. It will vary but a very few dollars from six millions. It is the largest bill, I believe, that has ever been passed for the improvement of rivers and harbors by Congress, at any rate since I have been a member of the Senate. Of these $6,000,000, $2,267,500 are applied to the Mississippi River and its branches; $1,765,000 are applied to the system of lakes and the rivers entering those lakes; $1,216,000 go to the Atlantic States, and $305,000 to the Pacific coast. The appropriations as a rule are larger than they have been, and I think more judiciously made. They are chiefly upon the great channels of travel. If it should please the Senate to concur with the House and not allow this bill to be excessively loaded, I shall be very much gratified.

Mr. RAMSEY. On page 6, line 133, after the words "one hundred," I move to insert the words "and twenty-five," so as to make the appropiation for the improvement of the Falls of Saint Anthony $125,000 instead of $100,000. The estimate of the board of engineers was $200,000, without which the falls will be dilapidated and the river above it be ruined. I move to increase the appropriation from $100,000 to $125,000.

Mr. CHANDLER. I hope that will not be done. The committee in the House have not been able to make as large an average as one-half the estimates of the engineers. The estimates of the engineers are over $20,000,000. The bill appropriates some $6,000,000. I hope the amendment will not be concurred in.

Mr. WINDOM. I hope the amendment will be concurred in. I think it ought to be.

Mr. DAVIS. Let the amendment be reported.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed on page 6, line 133, after the words "one hundred," to insert "and twenty-five;" so that the clause will read:

For the improvement of the falls of Saint Anthony, Minnesota, $125,000.

The amendment was rejected, the ayes being 7; less than a majority of a quorum.

Mr. SCOTT. I offer the following amendment, to come in after line 356:

For completing the survey and estimates of the route from the mouth of the Youghiogheny River to continue the slack-water navigation up said river to its head-waters, at the foot of the Alleghany Mountains, thence by canal to Cumberland, intersecting there the Chesapeake and Ohio Canal, $20,000.

That is an amendment to complete a survey partially made, a report upon which has been made by the Chief of Engineers. It ought to be completed. The amendment has the sanction of the Committee on Transportation.

Mr. CHANDLER. I raise the point of order that that is new matter, of which the committee has had no notice.

Mr. SCOTT. I gave notice of it, and it was referred to the committee.

Mr. CHANDLER. It did not come from any committee.

Mr. SCOTT. It has the sanction of the Committee on Transportation, and is recommended by the board of engineers and by the War Department.

Mr. CHANDLER. I raise the point of order that it is not recommended by any committee.

Mr. SCOTT. So far as one portion of the point of order is concerned, the river and harbor bill has never been held to be a general appropriation bill within the meaning of the rule.

The VICE-PRESIDENT. The Chair is of the opinion that if it has the support of the Committee on Transportation, the amendment is in order.

Mr. DAVIS. I think it is important that this survey should be continued; but I suggest to my friend from Pennsylvania that perhaps the amount is larger than would be actually necessary, and we might reduce it, I think.

Mr. SCOTT. If my friend from West Virginia thinks so, let him name the amount and I will accept it. He is more conversant with the route than I am.

Mr. DAVIS. I think $10,000 ought to complete the survey.

Mr. SCOTT. I will accept that.

The VICE-PRESIDENT. The amendment will be so modified.

Mr. DAVIS. Now I think it ought to pass.

The amendment was agreed to.

Mr. WINDOM. On line 17, page 2, I move to strike out the word "five" and insert "six;" so that the clause will read:

For the improvement of the Fox and Wisconsin Rivers, $600,000.

I offer this as one of a series of amendments which I am directed to move by the Select Committee on Transportation. That committee have given a great deal of attention to this subject, and after much study and deliberation they have, in partial response to what they believe to be a public demand for cheaper transportation, recommended a system of improvements embraced in the four or five amendments which I will offer to this bill. Their aggregate cost during the next fiscal year, as recommended by the committee, will amount to about $2,000,000, exclusive of the improvement at the mouth of the Mississippi River, which under the provisions of the amendment reported by the committee will require no money for about two years.

If the rapidly waning hours of this session would permit, or the patience of a wearied Senate would allow, I would be exceedingly glad to enter far enough into the discussion of this question to show the national character of the system of improvements proposed, and the great benefits which the country would derive from their speedy completion. I am admonished, however, by my own feelings that any speech to be acceptable to-night must be kept within the limits of the five-minutes rule. My great fear is that it will be impossible

during the remaining sixteen hours of the session to properly consider this bill, and to secure for my amendments the attention their merits deserve. I make no complaint of anything that has transpired, but I am strongly impressed with the belief that if Congress had devoted more time to the consideration of great questions affecting the material interests of the people, and less to the discussion of political issues, the fruits of this session would have been more acceptable to the country.

That there is an almost universal demand for cheaper means of transportation cannot be doubted. Let me say a word with regard to the character and scope of that demand. The burden of transportation charges is generally in the proportion which the value of the article transported bears to its weight. Hence it falls most oppressively upon low-priced heavy articles. The lower the value of the commodity the lower must be the freight charge, in order that the cost may not absorb too great a proportion of the compensation for the labor and capital employed in its production. The necessity for cheap transportation is therefore measured by the proportion which the weight of low-priced heavy products bears to the total weight of commodities transported. This proportion cannot be ascertained with certainty, because from our neglect of the statistics of internal commerce we are unable to state accurately any general fact with regard to it. From the best evidence attainable on the subject I am convinced that it is entirely safe to say that 70 per cent. of all the commerce of the country consists of low-priced heavy articles, such as grain, ores, iron, &c., on which cheap freight charges are a more important element than time. Hence he who intelligently seeks to lift from the commerce of the country the burdens which most oppress our industries, and which give rise to the greatest complaints from the people, will find the practical remedy in the improvement or creation of such means of transport as will afford the greatest reduction in the cost of transporting the 70 per cent. of low-priced heavy articles. In other words, he will find it in low-priced transport for low-priced products. The facts presented in the report of the Select Committee on Transportation prove most conclusively that in this and in every other country natural and artificial water lines, when properly situated, meet these requirements.

While fully recognizing the condition of the public Treasury, the committee, in whose behalf I act, have thought that the public necessities on this subject were also entitled to recognition. Harmonizing the two, they have made their recommendations very modest for the next fiscal year. They have, with a single exception, confined their measures to natural water-courses the importance of which are universally recognized. That one exception is for a short canal which connects the great lake system with the seventeen thousand miles of western river navigation. In view of the fact that we have just passed a revenue bill which will add $30,000,000 to the Treasury, we think it not unreasonable to expend $2,000,000 for the purpose of reducing the burdens of transportation now borne by the people.

When we return to our constituents with the information that we have levied additional taxes, may we not also take to them the gratifying intelligence that we have also made provision for reducing other burdens which bear more heavily upon them than national taxation?

The most technical strict constructionist will hardly find, at this day, any constitutional objection to the system of improvements proposed. It is clearly within the powers granted by the Constitution, and is so modest in its proportions that it seems to me no one who is willing to do anything to meet the demand of the people so importunately expressed can withhold from it his cordial support.

The pending amendment is for the improvement of the Fox and Wisconsin Rivers.

This improvement will connect the Mississippi River with the lakes at Green Bay by a route which has been regarded as an important natural highway for two hundred years. It was by this route that in 1673 Marquette and his companions discovered the Mississippi River, and along its line the earliest settlements of the West were made. So important was it regarded by the founders of the Republic, that in order to preserve it as a permanent means of communication between the great river and the great lakes, they provided in the ordinance of 1787 that it should be "a common highway and forever free." The special advantages which are to be expected from the construction of these works are fully set forth in the report of the Select Committee on Transportation, and hence I will not now take time to repeat them in detail.

It is shown by the statistics of five years that the average cost of transporting wheat and corn by rail from the Mississippi River to Chicago is 17.1 cents per bushel, and that assuming for the proposed water line the same rate of charges as now prevails on similar water lines in other parts of the country, the charges will average only 7.4 cents per bushel from all points on the river to Chicago or to Green Bay, thus effecting a saving of about ten cents per bushel on all the canal products of Iowa and Minnesota, Kansas, Nebraska, and the northern portion of Missouri, amounting to over one hundred million bushels. A like saving would be effected on a large portion of the products of Wisconsin. Hence, saying nothing of the increased value of lands in those States which would result from this work, the saving in annual products would much more than repay every year the cost of the works. The people of those States understand the advantages they would derive from it, and through their Legislatures, conventions, and by petitions they have for years sought to impress upon Congress the necessity for a speedy completion of the improvements.

On the 23d of February I had the honor to present to the Senate a petition signed by 48,883 farmers of Iowa, Wisconsin, Minnesota, Kansas, and Dakota, asking Congress to make appropriations for the speedy completion of the Fox and Wisconsin improvement. No such expression of the wishes of the people has ever been made to Congress on any other subject. This peaceful army of western farmers, nearly fifty thousand strong, who thus present themselves at the Capitol demanding, through the constitutional right of petition, relief from the heavy burdens which now oppress them, fairly represent the whole people of the Northwestern States. And not of the Western States alone, for New England, New York, and other Eastern States are almost as deeply interested in the completion of these improvements as the people of those Western States, for whatever cheapens the cost of transport from the grain-fields of the Mississippi Valley to the East will cheapen the cost of bread to the consumers in the Atlantic States.

When this work shall be completed and the Mississippi River improved, there will be two great competing water lines opened between the Mississippi Valley and the sea-board which can never combine with each other, and which will serve for all time to cheapen and regulate railway charges on nearly all the leading railways running from the interior of the country to the East and South. I would like to dwell upon the incalculable advantages that would result to the industrial interests of the whole country from this competition—the consequent reduction of the cost of living in one section, and the enhanced profit to labor in the other, but my time has already expired, and I fear I shall trespass on the patience of the Senate. I trust all may have a vote which will speak far more eloquently than any words I can utter in favor of this great work.

Mr. CHANDLER. The Committee on Commerce have from year to year recommended large appropriations for the improvement of the Fox and Wisconsin Rivers. Last year my impression is that an appropriation of $300,000 was made. I think that was the amount. This year the Committee on Commerce of the other House have added to that $200,000. The engineers think they may use $750,000, but are entirely content with $500,000. It is the most liberal appropriation which has ever been made. It is but one of those great lines, and the Committee on Commerce of the other House, and particularly the delegation from Wisconsin, were entirely content with $500,000. I hope the amount will not be increased.

Mr. WINDOM. A single word in reply to the Senator. I shall not discuss these questions. This improvement is estimated by the engineers to cost about $3,000,000. Now, at $500,000 a year it will take six years to do the work. It can be demonstrated, and I am satisfied the Senator from Michigan will not dispute it, that taking the ordinary charges upon similar water lines and comparing them with the present cost of transportation from the Mississippi River to the lakes, we would save ten cents per bushel on products west of the Mississippi River. I only ask an increase of $100,000 on the House bill for this improvement. If we can hasten its completion by a single year we will save in that one year more than the entire cost of the work. When fifty thousand petitioners surround this Senate and ask appropriations for this work, it does not become us to hesitate and quibble.

Mr. THURMAN. I wish to ask the Senator from Minnesota a question, and I hope he will be allowed time to answer. I wish he would inform the Senate how many acres of land the United States granted to Wisconsin and Minnesota to aid in this improvement and what became of that land. And, further how much money has been appropriated from time to time for this work.

Mr. RAMSEY. There was no appropriation for Minnesota for this work. It was entirely in the State of Wisconsin.

Mr. THURMAN. No appropriation of land?

Mr. RAMSEY. No, sir.

Mr. THURMAN. Then how much land was given to the State of Wisconsin, and how much money has been appropriated in the aggregate for this work? I should like to have an answer.

Mr. WINDOM. I cannot state the exact amount. The question of land has ceased to be of any importance, for two or three years ago the Government made a purchase of the entire work. It is a Government work to-day. It is not in the hands of any private corporation. No private corporation has anything to do with it. It is a work the Government is constructing, and the question is whether you will be ten years about it or appropriate money enough to complete it in two or three years and let the people have the benefit of it.

Mr. THURMAN. Will the Senator tell me what became of the land?

Mr. WINDOM. The Senator from Wisconsin [Mr. HOWE] perhaps is better prepared to give the Senator the information than I am.

Mr. HOWE. The Government did get its land back, or get the proceeds of the land. When the Government purchased this improvement of the company, into whose hands it had fallen, the proceeds of all the lands sold and the value of all the lands unsold was deducted from the cost of the work.

Mr. THURMAN. The Senator has not yet answered my question. Will he tell me how much land the Government gave to the work

and what appropriations of money have been made for it? The fact that the Senator is so much more familiar with it than I am is my excuse for asking the question, although I recollect there was a report on the subject, and if I had time I could turn to it.

Mr. HOWE. I was not quite prepared for the Senator's catechism. My recollection is that about six hundred thousand acres of land were granted by two different acts, and the appropriation made since the Government repossessed itself of the work I think is about $500,000.

Mr. CHANDLER. I think it is more than that. I think it is about a million.

Mr. HOWE. O, no; less than a million since the Government obtained possession of the work; between five and six hundred thousand dollars; I am not certain about the amount.

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

The question being put, there were on a division—ayes 18, noes 14; no quorum voting.

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

Mr. DAVIS. I want to say a word. As I understand it, the Fox and Wisconsin improvement is one of four lines, east and west, that are recomended by the Transportation Committee, and that committee recommend that each one of those four lines of water-routes should have $600,000 appropriated, making in all $2,400,000. This is one of them. The addition of a hundred thousand dollars for this improvement makes it six hundred thousand, so that apparently they all stand on the same footing so far as the appropriation is concerned.

Mr. HAMILTON, of Maryland. I would ask the Senator from West Virginia what four lines he alludes to?

Mr. DAVIS. What are known as the Tennessee route; second, the Central route in Virginia, or the Kanawha route; third, the Ohio River route; and, fourth, the Fox and Wisconsin.

Mr. HAMILTON, of Maryland. Then do I understand the Senator from West Virginia that this is to sanction a system that is to entail on this country an expenditure for those four lines? This, if I understand the Senator from West Virginia, is a system by which we are to appropriate untold sums of money for the improvement of these four lines of communication. That is what I want to know.

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment, and the Secretary will call the roll.

Mr. McCREERY. I am paired with the Senator from New York, [Mr. CONKLING.] While I do not know how he would vote on this measure, I do not feel authorized myself to vote.

Mr. CONOVER. I am paired with the Senator from Delaware, [Mr. SAULSBURY.] I desire to withdraw my vote. If he were here he would vote "nay," and I should vote "yea."

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

YEAS—Messrs. Alcorn, Anthony, Bogy, Boreman, Boutwell, Cragin, Davis, Dorsey, Ferry of Michigan, Flanagan, Goldthwaite, Gordon, Harvey, Hitchcock, Ingalls, Johnston, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Norwood, Oglesby, Patterson, Pratt, Ramsey, Sargent, Schurz, Washburn, West, Windom, and Wright—32.

NAYS—Messrs. Bayard, Chandler, Dennis, Hamilton of Maryland, Kelly, Merrimon, Sherman, Stewart, Stockton, Thurman, and Tipton—11.

ABSENT—Messrs. Allison, Brownlow, Cameron, Carpenter, Clayton, Conkling, Conover, Cooper, Eaton, Edmunds, Fenton, Ferry of Connecticut, Frelinghuysen, Gilbert, Hager, Hamilton of Texas, Hamlin, Howe, Jones, Lewis, McCreery, Pease, Ransom, Robertson, Saulsbury, Scott, Spencer, Sprague, Stevenson, and Wadleigh—30.

So the amendment was agreed to.

Mr. WINDOM. On page 7, line 158, I move to strike out the word "three" and insert "eight;" so as to read:

For the improvement of the Ohio River, $800,000.

The amendment proposed is to enable the Government to construct a dam and chute in the Ohio River under a system of improvements agreed upon and recommended by the Engineer Department. It has been for some time, they inform us, a doubtful question as to the best mode of improving that great channel of commerce. The department is now entirely satisfied that this is the best mode. They desire this year an appropriation for a single dam, in order, not as they say to test it, but to speedily secure the benefits of the work. If this system of improvement works as they anticipate, and as it does operate in France and elsewhere, it will be extended to other portions of the Ohio River.

I have no interest in the Ohio River any more than any other Senator on this floor, but I recognize it as one of the great channels of commerce in this country. I recognize its improvement as an absolute necessity to accommodate the great interests that center in and around it. For several years—how many I do not remember—seven States have had their commissioners urging upon Congress the improvement of the Ohio River. Now, all we propose at this time is the construction of a single dam and chute under the plans prepared by the Department. I believe that the Government engineers are entirely satisfied of its efficiency.

I hope, in view of the fact I have once or twice before stated on this floor, that the statistics of the business interests along the Ohio River show that the commerce of the towns on its banks is greater by several millions than our entire foreign commerce, that we will not hesitate longer to enter upon this improvement.

Mr. CHANDLER. I will read the whole clause in the bill to show the nature of the appropriation for the Ohio:

For the improvement of the Ohio River, $300,000; that $100,000 of this amount shall be used for, and applied toward, the construction of a movable dam, or a dam with adjustable gates, for the purpose of testing substantially the best method of improving permanently the navigation of the Ohio River and its tributaries; the location of this work, with the plan of construction, and the application of the amount hereby appropriated, to be submitted to the Secretary of War for his approval.

They are experimenting upon the best plan, and they propose to build one dam and appropriate $100,000 out of this $300,000 for the purpose of testing the best method of improving that river. The committee in the other House made what they considered a liberal appropriation for the Ohio River, considering the condition of the finances of the country and of that work as an experiment. We do not know; this is all experimental. We are proposing to try an experiment on the Mississippi River, which I hope will be a success; but it is an experiment after all. I hope this amendment will not be placed on the bill. If it is, there are $11,752,500 moved as amendments to this bill of $6,000,000, and I shall resist nothing more after this.

Mr. WINDOM. If the Senator will allow me, I ought to have stated when on my feet before that I intend, if this amendment prevails, to offer another amendment on another line making it $600,000 instead of $100,000. The Senator from Michigan thinks this is to build a dam. The Department say that the dam and chute will cost $600,000. If we shall appropriate $100,000 more for this year, we will appropriate again next year $100,000 more for this work, and at the end of six years get one dam built, at a cost at least 25 per cent. greater than if we appropriate enough at one time to do the work. Now, as the amount required by the Department is $600,000, I say let us vote this and give the benefits of it to the people at once. It is not a mere test, as they inform me, although so stated here in the bill. It has been tried in other countries and has been successful on similar rivers.

Mr. THURMAN. I ask that the clause be read as it would stand if amended.

The Secretary read as follows:

For the improvement of the Ohio River, $800,000; that $600,000 of this amount shall be used for and applied toward the construction of a "movable dam," or a dam with adjustable gates, for the purpose of testing substantially the best method of improving permanently the navigation of the Ohio River and its tributaries, &c.

Mr. THURMAN. After the Senate has by a vote of nearly three to one appropriated $600,000 to a work that lies wholly within one State, the State of Wisconsin, a work toward which the Government has already contributed heretofore in land and money, if my memory is not at fault, nearly $3,000,000, it may seem to be simply absurd to attempt to stay any appropriation for a river that bounds six States of the Union and is a thousand miles in length. Nevertheless, although this river bounds my own State, and her people are deeply interested in it, I for one protest against the appropriation which is now proposed. What is it? You propose to appropriate $800,000 for the improvement of the Ohio River, $600,000 of which is to build what is called a "movable dam." What a movable dam is I do not think anybody on this floor knows outside of the Committee on Transportation. We are, as an experiment, to begin with $600,000 to make a "movable dam." I suppose that is a dam that the floods will move away. [Laughter.] I do not know what other kind of movable dam you will have. If we are to have a movable dam below Pittsburgh to improve the Ohio River, I wonder how many movable dams we are to have in the thousand miles of course that that river runs, and where is to be the end of this expenditure. And yet we are to enter upon it, at a time when we are told the receipts of the Government are not equal to our annual expenditures; when we are told that we are not receiving enough to pay the current expenses of the Government, the interest upon the public debt, and the pensions that are due to our soldiers; at a time like this, when you yesterday passed a bill to borrow money to pay the debt which you are creating by the bill, we are to commence with a system of movable dams at $600,000 apiece. Sir, I wash my hands clean of any such thing.

Mr. MERRIMON. Mr. President, here we are in almost the very last hours of the session and we find ourselves confronted with the magnificent scheme of internal improvements indicated by the Committee upon Cheap Transportation twelve months ago and which they suggested in their report was to cost the enormous sum of at least $130,000,000. The fact is, when it is completed it will cost five or six hundred million dollars, and here we are in the last hours of the session, with no time to consider it, no time to examine the report made by the committee twelve months ago, or to criticise it. It seems to me that this is very unwise legislation; that we are committing the American people to a system that we do not understand ourselves and that they do not understand or appreciate. As an American Senator I am not prepared to do it and I will not vote for it.

Mr. WINDOM. Mr. President——

The VICE-PRESIDENT. The Senator's time has expired, under the rule, for debate on the amendment.

Mr. SPENCER. I will yield the Senator from Minnesota five minutes of my time.

Mr. MORRILL, of Maine. You cannot do that.

Mr. WINDOM. I will not ask it.

Mr. DENNIS. As a member of the Committee on Commerce, I desire to state to the Senate the precise condition in which this bill stands before it. The bill was submitted to the Senate and referred to the Committee on Commerce. The committee took no formal action on the bill. It was reported back to the Senate precisely as it was referred to the committee. During the consideration of the bill, while it was in the committee, the tax and tariff bill had failed to pass the Senate. I for one should have voted against this bill, unless provision had been made to meet the Government expenditures, and I think that was the feeling of the committee; and by a majority vote the bill was reported back to the Senate with the distinct understanding that any Senator had a right to offer an amendment to the bill precisely as if it had come back with the recommendations and amendments of the committee. For one, I have a few amendments to offer to it, all very short, and I will offer no amendment except what is absolutely necessary to the wants of my people, and I shall vote against all amendments that I do not think absolutely necessary for the benefit of the people.

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

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

The yeas and nays were ordered.

Mr. FLANAGAN. Two or three words, sir. This proposition reminds me of my youthful days. Boy and man I have always been for internal improvements. I shall vote for this amendment most cheerfully, and I will vote for everything that tends to develop the resources and enrich and happify the American people. This is directly upon that line, consistent and progressive, not going backward by any means; and as to the revenue, whenever we get into a hard struggle to meet all the appropriations, all of them, Ohio, Kentucky, &c., can furnish us with everything. They have got ample capital and they will do everything that is necessary on this line.

The VICE-PRESIDENT. The question is upon the amendment, on which the yeas and nays have been ordered. The Secretary will call the roll.

Mr. McCREERY. I agreed to pair with the Senator from New York, [Mr. CONKLING.] I do not know how he would vote on this question, but under the circumstances, I shall decline to vote for the present.

The question being taken by yeas and nays, resulted—yeas 29, nays 19; as follows:

YEAS—Messrs. Alcorn, Bogy, Boreman, Cameron, Clayton, Davis, Dorsey, Ferry of Michigan, Flanagan, Goldthwaite, Hamlin, Harvey, Ingalls, Johnston, Kelly, Mitchell, Morrill of Maine, Morton, Norwood, Oglesby, Patterson, Pratt, Sargent, Scott, Spencer, Washburn, West, Windom, and Wright—29.

NAYS—Messrs. Boutwell, Chandler, Cooper, Dennis, Eaton, Edmunds, Fenton, Hamilton of Maryland, Hamilton of Texas, Jones, Merrimon, Morrill of Vermont, Ransom, Sprague, Stevenson, Stewart, Thurman, Tipton, and Wadleigh—19.

ABSENT—Messrs. Allison, Anthony, Bayard, Brownlow, Carpenter, Conkling, Conover, Cragin, Ferry of Connecticut, Frelinghuysen, Gilbert, Gordon, Hager, Hitchcock, Howe, Lewis, Logan, McCreery, Pease, Ramsey, Robertson, Saulsbury, Schurz, Sherman, and Stockton—25.

So the amendment was agreed to.

Mr. WINDOM. In order to conform the rest of the paragraph to the amendment just made, I move to strike out "one," in line 159, and insert "six," as I stated the purpose of the other was to make this amendment, and it is not any addition to the amount.

The VICE-PRESIDENT. The amendment will be reported.

The SECRETARY. It is proposed on page 7, line 159, to strike out "$100,000" and insert "$600,000;" so as to read:

For the improvement of the Ohio River, $800,000; that $600,000 of this amount shall be used for and applied toward the construction of a "movable dam," or a dam with adjustable gates, &c.

Mr. WINDOM. I will say to the Senate that this does not increase the amount. It simply divides what we have already agreed to, so it is no increase.

The amendment was agreed to.

Mr. WINDOM. I have two other amendments from the Committee on Transportation. On line 173, page 8, I move to strike out "one" and insert "six;" so as to make the clause read:

For the improvement of the Great Kanawha River, West Virginia, $600,000.

This is one of the recommendations made by the committee.

I shall speak of the Ohio and Kanawha Rivers together, because their commerce is so intimately connected, and because the commercial purposes they are ultimately to subserve cannot well be separated. The industries to be developed by their improvement are very similar, and in the future perfecting of our great lines of commerce they will constitute component parts of one grand whole. The Ohio River having been carefully surveyed during the last ten years, the conditions affecting its navigation are pretty well known. Several different plans for its radical improvement have been proposed, differing widely in cost. The practical plan finally agreed upon is the construction of an experimental dam and chute, on what is known as the Bruno plan, a few miles below Pittsburgh. This method of improvement has the approval of the United States engineers, and is recommended by the board of commissioners for the improvement of the Ohio River. The estimated cost of the dam and chute proposed to be constructed next year is $600,000.

The immense commerce of the towns and cities on the Ohio River, exceeding as it does by many millions our entire foreign commerce, is a sufficient argument in favor of the national character of the proposed improvement, and should be a sufficient incentive to its prompt commencement and speedy completion.

The improvement of the Kanawha River presents itself under two very important aspects: First, as constituting a part of the proposed "central water line;" and, second, as the means of developing the richest and most extensive deposits of coal and iron in the world.

The board of engineers appointed in 1874 to examine and report upon the James and Kanawha Rivers improvement, reported that differences of opinion existed among them as to some of the important engineering features of the work, and they also stated that further surveys are necessary to the final adjustment of the plans suggested. I do not, therefore, feel called upon at the present time to consider the question of inaugurating the construction of a canal between Richmond and the Kanawha River, because whenever it shall be determined to enter upon that work, the improvement now proposed will constitute an integral part of the line. The improvement of the Ohio and Kanawha Rivers is a condition-precedent to the practicability and usefulness of the central water-route, and hence whatever may be done upon these rivers is in the line of that work.

But aside from any question affecting the entire "central route," the improvement of the Kanawha River, and by means of slack-water navigation, is of very great importance for the purpose of developing the inexhaustible resources of coal and iron to which I have already referred. The advantages to be realized by the improvement of the Kanawha River, as now proposed, are not uncertain or conjectural; they are apparent and demonstrable. They can be best estimated from the results of similar improvements on the Monongahela River, which more than any other one thing has conduced to the development of the commerce and industries of Pittsburgh. The value of the coal transportation on the Monongehala prior to January 18, 1875, was $34,179,403. The cost of the improvement was $1,146,038. Cost of the works only 3¼ per cent. of the value of the coal. It appears also that the value of other commodities paying toll to the company was about equal to that of the coal. It is probable, therefore, that the total value of commerce developed by the improvement amounts to $60,000,000.

To put it in another form, it appears that an expenditure of $1,146,038 has been an essential condition in the development of $60,000,000 of wealth. And if we could trace the effects of the coal product thus developed upon the various industries to which it has given existence, we should find that the wealth created by it would be expressed by the value of the coal many times multiplied. The inexhaustible supply of coal in West Virginia, embracing bituminous, cannel, and splint, as well as of iron ores of superior quality, and the entire practicability of improving the Kanawha River at a cost quite inconsiderable in proportion to the advantages which would be secured prove that equal or even greater results may be expected than have been realized from the improvement of the Monongahela.

Coal has been fitly termed "the bread of industry." The wonderful advancement in wealth and enterprise of all the commercial nations on the globe during the last fifty years has been attained largely through the creative power of coal.

These facts, as well as the magnificent results which have flowed from the development of our own coal and iron resources, point to the proposed improvement of the Ohio and Kanawha Rivers as works which should not be delayed. I have mentioned only one or two of the principal reasons for these works. Time would fail me if I were to attempt to enumerate all the advantages that would flow from them.

Mr. MERRIMON. I beg to ask the Senator from Minnesota if it is intended by these appropriations to commit Congress and the country to the plan of internal improvements indicated by the Committee on Cheap Transportation?

Mr. WINDOM. I am very glad the Senator has asked me that question. The system of improvements presented to-night commits nobody to anything except to the improvements themselves. They have been selected because of their location, the advantages they would afford to commerce, the distribution of their benefits to the country, and because they of themselves are of sufficient importance and value, and because we believe they are demanded by the people, and will justify the expenditure without reference to any future extension.

Mr. MERRIMON. It is not then a part of the plan indicated by the committee?

Mr. WINDOM. They are on the line of improvements recommended, but they do not commit the Senate to anything but the specific works mentioned in the proposed amendments. They are valuable in themselves without reference to anything else, and it does not commit the Senate or anybody, although I hope at some time, either by private capital or in some other way, a through line may be made. Whether it shall be or not, these improvements should be made. If private capital or the Government should continue the line, or if it shall ever be continued in any way, this would form a part of it. We only ask the improvement of natural water lines in these amendments.

Mr. MERRIMON. I understood the Senator to say in his opening remarks to-night that the amendments offered were in aid of the scheme indicated by the committee.

Mr. WINDOM. I do not hear the Senator.

Mr. MERRIMON. I say I understood the Senator in his opening remarks to-night to suggest that the amendments he was about to offer were in aid of the scheme indicated by the committee.

Mr. WINDOM. I said they were to carry out a system of improvements recommended by the committee. I did not say they were to carry out the entire scheme recommended by the committee a year ago. I am perfectly free to say to the Senator that I believe in it as I did then, but unfortunately a majority of the Senate is behind me a little on this subject, and I will have to wait a year or two until it comes up, especially as the Senator from North Carolina said a few moments ago, in objecting to an amendment, that the Transportation Committee had made a report a year ago and he had not had time to examine it, and now he complains the Senate was called upon to vote without time for examination of the question. If the world is to be so far behind as that, I apprehend I will have to wait for some time.

Mr. MERRIMON. The Senator brings the debate on at a very late hour if he intends Senators to go into the merits of it.

Mr. CHANDLER. I do not rise to oppose this, as I am pledged not to oppose anything. I simply rise to state what the board of engineers say. They say if they will confine their operations to the shoals they will require $15,000, but if they commence this great work, then they will require for the year ending June 30, 1876, $150,000. That is stated in the report of the board of engineers. The Committee on Commerce in the other House gave two-thirds of the amount called for by the engineers, to wit, $100,000, and now the Committee on Transportation propose to make it $600,000, thus giving the board ofengineers $450,000 more than they asked for. That is all.

Mr. WINDOM. I do not like to trespass on the Senate, but in answer to the honorable Senator I will say I have no doubt of the truth of what he says. These estimates were made with a view to the ordinary improvements and without any reference to a system of improvements that should take up a work and finish it. We have recommendations from the engineers for a very much larger amount. If we are to continue the old mode of appropriating a little now and a little hereafter and never finishing anything, then $250,000 is too much. If we are to take hold of the work and do it so that the commerce of the country will have the benefit of it, selecting certain works as they do in England and all other civilized countries on the earth, then we ought to vote enough to complete the work within a reasonable time.

Mr. DAVIS. The Kanawha River is one of the great water lines of this country. There now go out of that river about thirty thousand bushels of coal per month. The honorable Senator from Michigan has read from the report of the engineers which was made last October. True they did recommend $150,000, but when the estimates came to be made up it was $300,000 in the Book of Estimates, and even since then the special board of engineers appointed to examine and report upon this route recommended $3,000,000. The committee now recommends $600,000. I think we had better take the vote.

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

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

The yeas and nays were ordered.

Mr. MERRIMON. I want to say that I would like to give my support to this scheme, but as a part of the scheme indicated by the Committee on Cheap Transportation I cannot do it.

The question being taken by yeas and nays, resulted—yeas 25, nays 19; as follows:

YEAS—Messrs. Alcorn, Bogy, Boreman, Clayton, Conover, Cragin, Davis, Dorsey, Ferry of Michigan, Flanagan, Goldthwaite, Harvey, Ingalls, Johnston, Mitchell, Morton, Norwood, Oglesby, Ransom, Sargent, Scott, Spencer, West, Windom, and Wright—25.

NAYS—Messrs. Bayard, Boutwell, Cameron, Chandler, Eaton, Edmunds, Fenton, Hamilton of Maryland, Hamilton of Texas, Jones, Merrimon, Morrill of Vermont, Pratt, Sherman, Sprague, Stewart, Stockton, Tipton, and Washburn—19.

ABSENT—Messrs. Allison, Anthony, Brownlow, Carpenter, Conkling, Cooper, Dennis, Ferry of Connecticut, Frelinghuysen, Gilbert, Gordon, Hager, Hamlin, Hitchcock, Howe, Kelly, Lewis, Logan, McCreery, Morrill of Maine, Patterson, Pease, Ramsey, Robertson, Saulsbury, Schurz, Stevenson, Thurman, and Wadleigh—29.

So the amendment was agreed to.

Mr. WINDOM. On line 176, page 8, I move to strike out "one" and insert "five;" so as to read:

For the improvement of the Tennessee River above Chattanooga, $40,000; and below Chattanooga, including the Muscle Shoals, $560,000.

The Tennessee River, from its geographical position, is designed to perform a most important part in the future commerce of the Southern and Western States. It touches or passes through the States of Kentucky, Tennessee, Alabama, Georgia, and Mississippi. The territory immediately tributary to it is rich in agricultural and mineral resources. But, however valuable these may be, it is not on their account alone that I would embrace it in the system of improvements proposed. The geographical position of this river gives it a much wider significance in any national system of internal improvements than it would derive from the resources of the country immediately tributary to it.

By its connection with the Ohio and Mississippi Rivers it unites the grain-growing States of the Northwest with the cotton States of the Southeast. When properly improved it will afford the cheapest communication between the corn and wheat fields of Ohio, Indiana, Illinois, Missouri, Iowa, Minnesota, Wisconsin, Kansas, and Nebraska, and the cotton plantations of Northern Mississippi, Alabama, Tennessee, South Carolina, North Carolina, and Georgia. Eventually it will constitute a part of a great through water line from the Mississippi River to the Atlantic Ocean. But if the entire line shall never be completed, the improvement of the Tennessee alone will amply repay the expenditure, because it will shorten the railway transportation from the Northwest to the Southeast at least one-half, and will materially cheapen the cost of food in the cotton States. At the same time it will tend to supply the farmers of the Northwest with a home market; it will enable the cotton-planter to buy his corn cheaper than he can raise it, and hence will enable him to largely increase his crop of cotton. The effect of this will be to enhance the prosperity of both sections, and by increasing our exportations of cotton to benefit the whole country. The South is rich in natural resources, but she is paralyzed, and all her industries are prostrated by the war. What she most needs is the stimulus of better hopes—the encouragement of prosperity.

While I would insist upon strict obedience to law and constitutional obligations at the South as well as at the North, I would remember the distressed condition of her people, and I would take them by the hand, and by our acts assure them of our intentions to do all in our power for the revival of their dead industries and the promotion of their prosperity. The opening of new and cheaper avenues of commerce will, in my judgment, contribute more than anything else to assure the southern people of our friendly feeling toward them and to turn their attention from old political questions to those which tend to the true advancement of a people. Close commercial relations with the North and the West constitute the strongest ties to bind them and us to the Union, and material advancement and prosperity will soon bury the memories of past differences out of sight forever.

For both commercial and political reasons, therefore, I urge the adoption of this amendment. The entire cost of improving the Tennessee is estimated by the engineers at $5,000,000. We ask for $600,000 this year.

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

The yeas and nays were ordered; and being taken, resulted—yeas 25, nays 17; as follows:

YEAS—Messrs. Alcorn, Bogy, Boreman, Clayton, Conover, Cooper, Davis, Dorsey, Ferry of Michigan, Flanagan, Frelinghuysen, Goldthwaite, Harvey, Howe, Johnston, Mitchell, Norwood, Oglesby, Patterson, Pease, Ransom, Sargent, Spencer, West, and Windom—25.

NAYS—Messrs. Bayard, Chandler, Dennis, Eaton, Fenton, Hamilton of Maryland, Hamilton of Texas, McCreery, Merrimon, Morrill of Vermont, Pratt, Saulsbury, Sherman, Sprague, Stevenson, Stewart, and Washburn—17.

ABSENT—Messrs. Allison, Anthony, Boutwell, Brownlow, Cameron, Carpenter, Conkling, Cragin, Edmunds, Ferry of Connecticut, Gilbert, Gordon, Hager, Hamlin, Hitchcock, Ingalls, Jones, Kelly, Lewis, Logan, Morrill of Maine, Morton, Ramsey, Robertson, Schurz, Scott, Stockton, Thurman, Tipton, Wadleigh, and Wright—31.

So the amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1876, and for other purposes.

ENROLLED BILLS SIGNED.

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

A bill (S. No. 523) to remove the political disabilities of Thomas M. Jones, of Virginia;

A bill (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes; and

A bill (H. R. No. 4680) to further protect the sinking fund and provide for the exigencies of the Government.

ELLIOTT'S REPORT ON SEAL ISLANDS OF ALASKA.

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

Resolved by the House of Representatives, (the Senate concurring,) That there be printed of Henry W. Elliott's report on the seal islands of Alaska, with illustrations; twenty-five hundred extra copies, of which five hundred copies shall be for the use of the Senate, fifteen hundred for the use of the House of Representatives, and five hundred copies for distribution by the Smithsonian Institution.

Mr. SHERMAN. I move that that be referred to the Committee on Printing.

The motion was agreed to.

PROFESSOR BAIRD'S REPORT ON FISH AND FISHERIES.

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

Resolved by the House of Representatives, (the Senate concurring,) That there be printed four thousand additional copies of the third report of Professor Spencer F. Baird, Commissioner of Fish and Fisheries, with the accompanying documents; of which one thousand copies shall be for the use of the Senate, twenty-five hundred for the use of the House of Representatives, and five hundred for the use of the Commissioner.

PAY AND MILEAGE TO FRANCIS W. SYKES.

Mr. HAMILTON, of Maryland, from the Committee on Privileges and Elections, reported the following resolution:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Francis W. Sykes, late contestant from the State of Alabama, the pay and mileage of a Senator from the 4th day of March, 1873, to the 28th day of May, 1874.

TENNESSEE JUDICIAL DISTRICT.

Mr. EDMUNDS. As a proper and necessary act of courtesy to the Senator from Tennessee [Mr. BROWNLOW] in a mere local matter which requires the concurrence of the House of Representatives on an amendment to a House bill changing a county from one judicial district to another, I ask unanimous consent to take up House bill No. 1995, which will cause no debate and will not take half a moment.

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

There being no objection, the bill (H. R. No. 1995) to amend the act approved June 18, 1838, entitled "An act to require the judge of the district courts of East and West Tennessee to hold a court at Jackson in said State," was considered as in Committee of the Whole.

The Committee on the Judiciary reported an amendment to strike out all after the enacting clause of the bill and to insert:

That the county of Perry, in the western judicial district of the United States in the State of Tennessee, be, and the same is hereby, set to and shall hereafter compose a part of the middle judicial district of the United States in said State; and all cases now commenced or depending in said western district, affected by this act, shall be heard, tried, and determined in the same manner as if this act had not been passed; and the prosecution of all crimes heretofore committed in said western district shall be prosecuted and punished in the same manner as if this act had not been passed.

SEC. 2. That this act shall take effect on the fourth Monday of May, 1875.

Mr. EDMUNDS. The only effect of this act is to change one county in one district over the line to another for local convenience.

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

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

The title of the bill was amended so as to read, "An act to transfer the county of Perry, in the State of Tennessee, from the western to the middle judicial district of the United States in said State."

UNITED STATES COURTS IN NEVADA.

Mr. STEWART. I ask to pass a bill of about three lines changing the place of holding a court in my State. It is a local bill, and I want to get it over to the House. I ask unanimous consent to take up Senate bill No. 1282.

There being no objection, the bill (S. No. 1282) to change the place of holding the district and circuit courts of the United States for the district of Nevada was considered as in Committee of the Whole. It provides that from and after the 1st day of May, 1875, the terms of the circuit court of the United States for the district of Nevada, and the terms of the district court of the United States for that district, shall be held at Virginia City instead of at Carson City, as now provided by law.

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

ARMY APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes, having met, after a full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 11 and 12.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, and 10; and agree to the same.

That the House recede from its disagreement to the amendment numbered 9 and agree to the same with an amendment, as follows: In lieu of the words proposed to be stricken out insert the following: "*Provided*, That no money shall hereafter be paid to any railroad company for the transportation of any property or troops of the United States over any railroad which in whole or in part was constructed by the aid of a grant of public land on the condition that such railroads should be a public highway for the use of the Government of the United States free from toll or other charge, or upon any other conditions for the use of such road for such transportation, nor shall any allowance be made for the transportation of officers of the Army over any such road when on duty and under orders as military officers of the United States. But nothing herein contained shall be construed as preventing any such railroad from bringing a suit in the Court of Claims for the charges for such transportation and recovering for the same, if found entitled thereto by virtue of the laws in force prior to the passage of this act: *Provided*, That the claim for such charges shall not have been barred by the statute of limitations at the time of bringing the suit, and either party shall have the right of appeal to the Supreme Court of the United States: *Provided further*, That the foregoing provision shall not apply for the current fiscal year, nor thereafter, to roads where the sole condition of transportation is that the company shall not charge the Government higher rates than they do individuals for like transportation, and when the Quartermaster-General shall be satisfied that this condition has been faithfully complied with.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 13, and agree to the same with an amendment, as follows: In lieu of the word proposed to be inserted insert the word "one," and after the word "one hundred," in line 13, page 9 of the bill, insert the words "and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 14, and agree to the same with an amendment, as follows: Insert after the words "ordnance stores," in line 11 of said amendment, the words "in the service of the United States in the suppression of the war of the rebellion," and add at the end of said amendment the following:

"*And provided further*, That so much of the appropriations between the 1st of January, 1861, and the 9th of April, 1865, under the act of April 23, 1808, herein referred to, as would have been used for the purchase of arms to be distributed to the several States that were in rebellion shall be covered into the Treasury of the United States."

And the Senate agree to the same.

WILLIAM B. ALLISON,
JOHN A. LOGAN,
JOHN W. STEVENSON,
Managers on the part of the Senate.
WILLIAM A. WHEELER,
JOHN COBURN,
A. M. WADDELL,
Managers on the part of the House.

The report was concurred in.

IMMIGRATION OF CHINESE WOMEN, ETC.

Mr. SARGENT. I should like to ask unanimous consent to pass a bill which is unanimously reported from the Committee on Foreign Relations and recommended by the President in his message. I have been so very busy with general affairs, with appropriation bills, &c., that I have been compelled to neglect matters of this character. This is a short bill.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) Is there objection?

Mr. CHANDLER. I object.

Mr. SARGENT. It will take but two or three minutes. The Senator knows I have been so very busy in reference to other matters that I have had no time to make this request.

Mr. CHANDLER. I withdraw my objection.

There being no objection, the bill (H. R. No. 4747) supplementary to the acts in relation to immigration was considered as in Committee of the Whole. It provides that in determining whether the immigration of any subject of China, Japan, or any Oriental country, to the United States is free and voluntary, as provided by section 2162 of the revised code, title "immigration," it shall be the duty of the consul-general or consul of the United States residing at the port from which it is proposed to convey such subjects, in any vessels enrolled or licensed in the United States, or any port within the same, before delivering to the masters of any such vessels the permit or certificate provided for in such section, to ascertain whether such immigrant has entered into a contract or agreement for a term of service within the United States for lewd and immoral purposes; and if there be such contract or agreement, the consul-general or consul shall not deliver the required permit or certificate. The bill proceeds to make other provisions of detail in regard to immigration.

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

PRESIDENTIAL APPROVALS.

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

An act (S. No. 455) for the relief of William M. Kimball;

An act (S. No. 523) to remove the political disabilities of Thomas M. Jones, of Virginia;

An act (S. No. 792) for the relief of John Fletcher, surviving partner of Fletcher & Powell; and

An act (S. No. 420) to amend the act entitled "An act for the restoration to homestead entry and to market of certain lands in Michigan," approved June 10, 1872, and for other purposes.

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. 4851) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1875, and prior years, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes.

HOUSE BILL REFERRED.

The bill (H. R. No. 4851) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1875, and prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

RIVER AND HARBOR BILL.

Mr. WEST. I call for the regular order.

The VICE-PRESIDENT. 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, is before the Senate, as in Committee of the Whole.

Mr. WEST. From the Committee on Transportation I offer an amendment as additional sections to the bill, which I send to the Chair and ask to have read.

The Secretary read the proposed amendment, as follows:

SEC. —. That James B. Eads, of Saint Louis, Missouri, be, and he is hereby, authorized, with such others as may be associated with him, on the conditions hereinafter mentioned, to construct such permanent and sufficient jettees and such auxiliary works as are necessary to create and permanently maintain, as hereinafter set forth, a wide and deep channel between the South Pass of the Mississippi River and the Gulf of Mexico; and for that purpose he may construct, in the river, outlet, or pass, and likewise in the Gulf of Mexico, such walls, jettees, dikes, levees, and other structures, and employ such boats, rafts, and appliances, as he may, in the prosecution of said work, deem necessary: *Provided*, That no such structures or means employed shall hinder, delay, or materially interfere with the free navigation of said pass; and to protect his said works, he may build and maintain such levees or embankments as may be necessary to secure their permanency along the banks of the river or South Pass: *Provided further*, That unless the construction of the proposed work shall be substantially commenced within eight months from the date of the approval of this act, and prosecuted with due diligence, the provisions contained herein in relation to the said South Pass shall be null and void; and unless the said Eads and his associates shall secure a navigable depth of twenty feet of water through said pass within thirty months after the date of the approval of this act, Congress may revoke the privileges herein granted in relation to the said South Pass, and cancel the obligations herein assumed by the United States. And Congress may revoke the privileges herein granted in relation to the South Pass, and cancel the obligations herein assumed by the United States, unless the said Eads and his associates shall, after securing twenty feet of water, secure an additional depth of not less than two feet during each succeeding year thereafter, until twenty-six feet shall have been secured; and in case said Eads and his associates shall fail to comply with the foregoing conditions as to depth of water and time for any period of twelve months in excess of the time fixed as aforesaid, then the privileges herein granted, and the obligations herein assumed in relation to the said South Pass, shall absolutely become null and void without action by Congress.

SEC. —. That the conditions herein prescribed being fully complied with, the United States hereby promise and agree to pay to said Eads, or to his assigns or legal representatives, $5,250,000 for constructing said works and obtaining a depth of thirty feet in said channel, and the annual sum of $100,000 for each and every year that said depth of thirty feet shall be maintained by the jettees and auxiliary works aforesaid in said South Pass during twenty years after first securing the said depth. Payments shall be made on certified statements of an engineer officer, who shall be detailed by the Secretary of War, and whose duty it shall be to report the depth of water and width of channel secured and maintained from time to time in said channel, together with such other information as the Secretary of War may direct. When a channel of twenty feet in depth and of not less than two hundred feet in width shall have been obtained by the action of said jettees and auxiliary works, $500,000 shall be paid; and when a channel of twenty-two feet in depth and two hundred feet in width shall have been obtained by the action of said jettees and auxiliary works, $500,000 shall be paid.

When a channel twenty-four feet in depth and not less than two hundred and fifty feet in width shall have been obtained, there shall be paid $500,000; and after said depth and width shall have been maintained during twelve consecutive months, there shall be paid $250,000, with 6 per cent. per annum interest from the date when said twenty-four feet were first obtained.

When a channel twenty-six feet in depth and not less than three hundred feet in width shall have been obtained, there shall be paid $500,000; and when a channel of said depth and width shall have been maintained for twelve months consecutively, $250,000 shall be paid, with interest at 6 per cent. per annum from the date when said channel was first obtained.

When a channel twenty-eight feet in depth and not less than three hundred and fifty feet in width shall have been obtained, there shall be paid $500,000; and after said depth and width shall have been maintained for twelve months consecutively, $250,000 shall be paid, with interest at 6 per cent. per annum from the date when said twenty-eight feet were first obtained.

When a channel thirty feet in depth and not less than three hundred and fifty feet in width shall be obtained, there shall be paid $500,000; and after said depth and width shall have been maintained for twelve month consecutively, there shall be paid $500,000, with interest at 6 per cent. per annum from the date when a channel of said depth and width was first obtained; making a total aggregate of $4,250,000 for the aforesaid payments, the respective depths and widths of channel being measured at average flood-tide, as ascertained and determined by the Secretary of War.

When a channel thirty feet in depth and three hundred and fifty feet in width shall have been obtained by the effect of said jettees and auxiliary works aforesaid, the remaining $1,000,000 shall be deemed as having been earned by said Eads and associates; but said amount shall remain as security in the possession of the United States for the purposes hereinafter set forth, interest at 6 per cent. per annum on the same being payable to said Eads, his assigns and legal representatives, semi-annually, from the date when a channel of thirty feet in depth and three hundred and fifty feet in width shall have been first secured, so long as said money or any part thereof is held by the United States.

SEC. —. That after said channel of thirty feet in depth and of not less than three hundred and fifty feet in width shall have been secured, $100,000 per annum shall be paid in equal quarterly payments during each and every year that said channel of thirty feet in depth and three hundred and fifty feet in width shall have been maintained by said Eads and his associates, by the effect of said jettees and auxiliary works aforesaid in said pass, for a period of twenty years, dating from the date on which said channel of thirty feet in depth and three hundred and fifty feet in width shall be first secured: *Provided, however*, That no part of such annual compensation shall be paid for any period of time during which the channel of said pass shall be less than thirty feet in depth and three hundred and fifty feet in width, as hereinbefore specified.

SEC. —. That the said channel of thirty feet in depth and three hundred and fifty feet in width having been maintained for ten years, one-half of the $1,000,000 hereinbefore mentioned shall be released and paid to said Eads, his assigns or legal representatives; and said depth and width having been maintained for ten additional years, the remaining half of the said $1,000,000 shall be released and paid as aforesaid. And if any of said money shall have been paid under the provisions of this act, as hereinafter provided, then the residue shall be paid at the times above stated.

SEC. —. That in case said Eads and associates, in order to maintain a channel of thirty feet in depth and three hundred and fifty feet in width, shall deem it necessary to expend on said works during any one or more of said twenty years any money in excess of the annual payments received by them during said year or years under section — of this act, the Secretary of War shall, on satisfactory proof of such expenditures, authorize, as often as such extra expenditures may require, the payment of the same from the said money in pledge to said Eads or his legal representatives. And such payments shall be made from the $500,000 to be released at the end of ten years before any payment shall be made from the $500,000 to be released at the end of twenty years; and if any failure to maintain said channel of thirty feet in depth and three hundred and fifty feet in width shall occur, the date for releasing the said money held in pledge shall be postponed for an equal period of time, and the compensation for maintaining said channel shall cease until said depth and width shall be again restored, the maintenance of a channel of thirty feet in depth and three hundred and fifty feet in width for twenty years, exclusive of all such periods of failure, being intended by this act. And at any time after said jettees shall have been completed, and said channel of thirty feet in depth and three hundred and fifty feet in width shall have been obtained, that the United States may elect to pay the said $1,000,000 and stop the payment of said interest and said annual sum of $100,000 for the maintenance of said depth and width, said United States shall have the right to do so on payment of said money held as security and in pledge as aforesaid, together with the interest and annual compensation for maintenance which may be earned at the date of such final payment; and on such payment being made by the United States, the supervision and maintenance of said jettees and auxiliary works by said Eads and associates and all liability on their part shall cease and determine.

SEC. —. That in order to facilitate the proper location of said jettees, which shall not be less than seven hundred feet apart, and to correctly determine such effects as may be produced by them, the Chief of the Coast Survey shall, as soon as practicable, cause a careful topographic and hydrographic survey to be made of said pass and bar, and shall submit the same to the Secretary of War, who shall furnish to said Eads the results of any such survey.

SEC. —. That any person maliciously or intentionally injuring said works, or interfering with the construction thereof, shall be deemed guilty of a misdemeanor, and may be tried for such offense before the district court of the United States for the district wherein such offense may be committed; and if found guilty he shall be liable to a fine not exceeding $1,000, or to imprisonment for not more than two years, or to both fine and imprisonment as aforesaid, for each offense.

SEC. —. That the said Eads and his associates shall have the right, under such regulations as the Secretary of War shall prescribe, to use any materials on the public lands of the United States that shall be suitable for, and may be needed in, the construction of said works.

SEC. —. That in case of death or other disability of said Eads before the completion of said works, the same shall be prosecuted and completed by his legal representatives and his associates aforesaid, with the same powers, rights, obligations, and compensations as if done by him in person.

SEC. —. That the Secretary of War be, and he is hereby, authorized and directed to carry into effect the provisions of this act on behalf of the United States, and, when the said Eads and his associates shall, from time to time, have fulfilled on their part the several foregoing conditions of this act, to draw his warrants upon the Treasurer of the United States in favor of said Eads, or his legal representatives, in payment of the aforesaid amounts as they respectively become due by the provisions of this act. And it shall be the duty of the Secretary of War to embody in his annual reports the payments made from time to time under this act, and the probable times when other payments will become due, and to report during the construction of the works herein authorized all important facts relating to the progress of the same, the materials used, and the character and permanency with which the said jettees and auxiliary works are being constructed, to the end that the Congress of the United States may be kept fully advised as to the faithfulness and efficiency with which the said works are being executed by the said Eads and associates, it being expressly understood that while said Eads shall be untrammeled in the exercise of his judgment and skill in the location, design, and construction of said jettees and auxiliary works, the intent of this act is not simply to secure the wide and deep channel first above named, but likewise to provide for the construction of thoroughly substantial and permanent works by which said channel may be maintained for all time after their completion. And in case the Secretary of War shall be of the opinion that this work is not being constructed according to the spirit and intent of this act, he shall report the same to the President, who shall appoint a commission, consisting of an officer of the Army, an officer of the Navy, and a competent person from civil life, to inspect and examine the works being constructed by said Eads and his associates; and in case the said commission shall report that the works are being constructed upon a design that will not be of a substantial and permanent character when completed, all the facts in the case shall be laid before Congress at the earliest possible moment, and payments upon said works shall be suspended until Congress shall otherwise order.

SEC. —. That the option of discharging the obligations herein assumed by the United States, either in money or bonds, is expressly reserved; and the Secretary of the Treasury is hereby directed to issue the bonds of the United States, bearing 5 per cent. interest, and payable in not exceeding thirty years from their date, to said Eads or his legal representatives, in payment at par of the aforesaid warrants of the Secretary of War, unless the Congress of the United States shall have previously provided for the payment of the same by the necessary appropriations of money: *Provided*, That in no case shall the Government of the United States be liable for any losses incurred by said Eads and his associates in the performance of the work herein mentioned, nor shall any payments thereon be made in excess of the sums, nor contrary to the terms, hereinbefore prescribed.

Mr. WEST. The Senate will understand that in the brief period allotted to me under the rule it will be entirely out of the question for me to enter into any elaborate argument on this proposition; but whatever I may fail to say in the time allotted to me or may omit to say, undoubtedly will be supplied by other members of the committee and other friends of the measure who will express themselves in regard to it.

It is unnecessary for me to detain the Senate with recounting the facts of the obstruction that exists at the mouth of the greatest navigable river of the world; nor is it necessary, I think, that I should recount the advantages that would accrue to commerce and to the agricultural interests of the country were those obstructions removed. I shall simply confine myself to this proposition, showing what the action of the Government has been in the premises, what the action of the committee has been, and what are the provisions of the amendment itself.

It is now some four years since the Government under a resolution passed by Congress commenced the investigation of the obstructions at the mouth of the Mississippi River with a view to their removal. A little less than a year ago we had a report on that subject from an eminent board of engineers which scarcely was sufficiently definite in its character to warrant the work being undertaken by the Government. In order that we might have full and ample and sufficient information on the subject, Congress at its last session provided for the constitution of a board to submit a report at this session that might be regarded as a finality. That report is with us. A commission composed of three officers of the Army, one of the Coast Survey, and three eminent civil engineers have submitted their report.

They were instructed to examine the various methods for the improvement of this mouth so that Congress and the country might have the opportunity of making a selection between the different methods they might recommend or deem most advisable. They speak of the stirring-up process; they speak of confining the river

by jettees, which is this measure; and they speak also of the dredging process. They give their preference to this process and recommend its being embarked upon.

They were also instructed to examine as to what outlet of the Mississippi might be most advantageous. There are three grand outlets of the Mississippi at its delta mouth; the Pass á Loutre, or the other pass, the South Pass, and the Southwest Pass. Setting aside the Pass á Loutre, not as impracticable but as involving much greater expense than seemed justifiable, the commission confined their investigations to two passes, the South Pass and the Southwest Pass, giving their preference to the South Pass, not altogether because it would be more desirable than the other, but because they could improve it at one-half the expense of the other pass, and when improved it would be adequate to the wants of commerce.

Their report shows that to improve the South Pass would cost $5,342,000; to improve the Southwest Pass would cost $8,253,000. But there is a much larger discrepancy and difference between the amount that would be necessary to maintain either outlet under this system of improvement. To maintain the outlet at the Southwest Pass would cost $390,000 per annum. To maintain the outlet at the South Pass would cost $130,000 per annum. So that the Committee on Transportation, to whom the matter was confided, concluded to recommend the South Pass at the less expense, considering that it would be adequate for the wants of commerce.

Then the question arose, Congress having determined for it by its duly authorized agents, what should be the method of improvement and what should be the expense. The question arose as to the direction in which Congress would make application of their recommendations.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Senator's time has expired.

Mr. WEST. I will ask a few minutes more. This is a matter of great importance.

The PRESIDING OFFICER. The Chair hears no objection, and the Senator will proceed.

Mr. WEST. When this question was first brought to the notice of the Committee on Transportation at this session, they decided in favor of the South Pass, decided also that it was preferable that the Government should do the work through its own agents, and they were prepared to recommend an appropriation of a million and a half, being one-third of the cost of the improvement, and the time in which it was expected to be completed would be three years. They were averse to this proposition; but they have yielded their judgment to what seems to be the demand of the time, and they have perfected a bill which they may be justified, I think, in regarding as complete as it can be possibly made.

You will find that this is a contract to be let out to one individual, but upon terms upon which no other contract or scarcely any other contract has ever been made in this country. All that is desired in the way of a deep channel at the mouth of the Mississippi River is to be secured absolutely and beyond all question before the Government expends a dollar. There is not one dollar appropriated in this measure, but it is an obligation on the part of the Government to assume the payment of $5,250,000, when the advantages to be derived from the expenditure of that money are infallibly secured to the Government and the people of the United States.

Then, after having secured that, there is to be an annual compensation paid to this contractor of $100,000 for the maintenance of the benefits to be derived from the expenditure of this money. He contracts to produce the water; he contracts to maintain that depth and width of water for twenty years, and he is to be paid $100,000 per annum for doing it, with the privilege on the part of the Government of at any time stepping in and paying him $1,000,000 and discharging him from his obligation.

So here we have a proposition to produce thirty feet of water and we contrast it with the present sixteen, seventeen, or eighteen feet of water only available at the mouth of the Mississippi under the present operations; and what does that cost and what is the contrast between this expenditure and that? It is proposed here, and it is expected, that thirty feet of water will be secured at a cost of $5,250,000 and $100,000 annual maintenance. The present system of maintaining deep water at the mouth of the Mississippi River costs $150,000 per annum. So we shall save, after investing this $5,250,000, $150,000 per annum in the maintenance. Therefore, when you come to capitalize the present expense, this is just $2,000,000 more than what we use now. That is to say, when this work is completed the United States will have incurred an obligation or spent $2,000,000 more money than it is spending to-day, and it will have thirty feet of water instead of sixteen or eighteen.

Mr. President, I will not detain the Senate any longer. I thank them for giving me the opportunity to say thus much by extending my time.

Mr. DAVIS. Will not the Senator state that if the water is not thirty feet the pay is not greater than is named? In other words, "no water, no pay." He might say something about that.

Mr. WEST. Everybody understands that this is "no water, no pay."

Mr. SHERMAN. I desire to offer one or two small amendments to this amendment. In the last section on page 11 I move to strike out in line 5 these words, "and payable in not exceeding thirty years from their date," and insert "of the character and description set out in the act entitled 'An act to authorize the refunding of the public debt,' approved July 14, 1870." This is simply to make the bonds uniform in character with those fixed in the funding act.

Mr. WEST. We are much indebted to the Senator for his proposition.

The amendment to the amendment was agreed to.

Mr. SHERMAN. On page 7, line 6, of the proposed amendment, I move to strike out the words "section — of" as creating an ambiguity, so as to read "under this act."

Mr. WEST. That is advisable.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Louisiana as amended.

The amendment was agreed to.

Mr. McCREERY. I offer the following amendment:

For removing obstructions in Rock Castle River, Kentucky, from its mouth to the Narrows, $5,000.

Mr. CHANDLER. Will the Senator please inform the Senate whether that is in pursuance of an estimate from the board of engineers?

Mr. McCREERY. There was an estimate made by the Chief of Engineers after a survey. If the chairman of the committee desires to have the report read, I will read it.

Mr. CHANDLER. Has the amendment been referred to the Committee on Commerce?

Mr. McCREERY. No, sir; and I was afraid when I offered it that its very modesty would defeat it. That is its only fault. [Laughter.]

Mr. CHANDLER. I raise the point of order.

The PRESIDING OFFICER. The Senator from Michigan raises the point of order that the amendment has not been referred to the Committee on Commerce as the rule requires. The Chair sustains the point of order.

Mr. CONOVER. I offer an amendment from the Committee on Transportation:

For surveys to ascertain the most eligible line on which a canal across the isthmus of Florida can be constructed, and whether a safe land-locked navigation between the waters of the Mississippi and the Gulf, along the coasts of Alabama Louisiana, and Florida, and through the latter State to the Atlantic coast, can be had, to estimate the probable cost and practicability of construction of such works, and of any artificial water-routes found necessary to provide a safe inland navigation between the Mississippi River and one of the sea-ports on the east coast of Florida, $25,000, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated.

Mr. CHANDLER. I see that makes an additional appropriation for a new work. I raise the point of order upon it.

The PRESIDING OFFICER. What is the point of order?

Mr. CONOVER. If the Senator desires, I will so amend it to make no appropriation, but simply authorize the Secretary of War to make the survey which was authorized last year by two conference committees. I will so modify it if the Senator desires.

The PRESIDING OFFICER. The amendment is modified so as to omit the appropriation.

The amendment was agreed to.

Mr. RANSOM. I offer the following amendment: In page 10, line 22, strike out "one" and insert "two;" so as to make the clause read:

For the improvement of the Cape Fear River, North Carolina, $200,000.

Mr. CHANDLER. I said I should not resist any appropriation. I think it would be perhaps as well to take them altogether and put them on in a lump. There are only eighteen or nineteen millions involved. Perhaps it would save time if gentlemen would send up their amendments to the desk at once and have them put on in a lump.

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

The amendment was agreed to.

Mr. HAMLIN. I offer the following amendment, which adds no appropriation, but only provides for a survey. It is in section 2, page 17, after line 38, to insert:

Harbor at Matinicus Island, Maine.

The amendment was agreed to.

Mr. BOREMAN. I offer an amendment to come after line 228, page 10:

For the improvement of the Little Kanawha River, $25,000.

Mr. CHANDLER. I raise the point of order on that.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. CHANDLER. There is no estimate. It is not from the committee.

The PRESIDING OFFICER. If not, the Chair will sustain the point of order.

Mr. BOREMAN. It has been referred to the Committee on Commerce, and is estimated for. I have here a report of the War Department in regard to this improvement.

Mr. CONKLING. Is it in the estimates?

Mr. BOREMAN. It is not in the regular estimate book.

Mr. CHANDLER. There is an old estimate for $7,300 for this work, but there is no estimate for $25,000.

Mr. BOREMAN. There has been an estimate by the War Department. Here is the report.

Mr. DAVIS. This amendment was referred to the committee several days ago and printed.

Mr. CONKLING. Has it been reported by the committee?

Mr. BOREMAN. It is not reported by the committee, but was referred to it.

The PRESIDING OFFICER. No standing committee having recommended it——

Mr. BOREMAN. No, sir; but it is estimated for by the War Department. I have here the report of the engineers.

Mr. CONKLING. I have an amendment to offer.

The PRESIDING OFFICER. The Chair will state to the Senator from West Virginia that the practice of the Senate is to rule out estimates unless they are in the regular Book of Estimates. If it does not appear in that, the Chair will sustain the point of order.

Mr. BOREMAN. It does not appear in the regular Book of Estimates, but it has been estimated for by the War Department.

The PRESIDING OFFICER. The ruling has been uniform that unless it is in the Book of Estimates it is not to be regarded as an estimate within the meaning of the rule. The Chair must sustain the point of order.

Mr. CONKLING. Mr. President, having offered no amendment to this bill and being asked in a good many urgent cases to do so, there is but one amendment which I propose to offer, and to that I think there will be little objection. I move on page 11, at the end of line 256, to insert the words:

For the harbor of Port Jefferson, New York, $15,000.

There is an estimate and recommendation in this regard for $35,000. That I do not ask for, but for $15,000, to the end that the work may progress, at any rate that no injury may be sustained for the next year. Fifteen thousand dollars I am assured will yet keep the work good not only, but enable progress to be made toward the completion which will cost $35,000. I might add that this amendment has been asked for by a great number of people, including some hundreds signing a petition which I presented here myself.

The amendment was agreed to.

Mr. ALCORN. I offer an amendment which is recommended by a committee and has also been referred to the Committee on Commerce.

The amendment was read, being to add to the bill the following additional sections:

SEC. —. That the sum of $3,420,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to be drawn on the warrant and applied under the direction of the Secretary of War, upon estimates to be submitted by the Chief Engineer of the Army, in closing existing breaks or gaps in levees, or in necessary repairs, or in building such new lines of levee along the shores of the Mississippi River, in the States of Missouri, Arkansas, Mississippi, and Louisiana, as may be necessary to secure, as far as possible under this appropriation, the country within the districts named from the threatened flood of the Mississippi River; out of which sum, $320,000 shall be appropriated within the district of and State of Missouri; $1,000,000 shall be appropriated and expended in the district of and State of Arkansas; $600,000 in the district of and State of Mississippi; and $1,500,000 in the district of and State of Louisiana.

SEC. —. That the Secretary of War shall, after public advertisement, under the supervision of the said Chief of Engineers, let all the work to be done by virtue of this act and under this appropriation to the lowest responsible bidder or bidders; and in no event shall the sum herein appropriated, or any part thereof, be applied to the payment of debts incurred by the local levee authorities, or to any other work than such as may be contracted for and constructed under the supervision of the said Chief of Engineers.

SEC. —. That it shall be the duty of the Secretary of War to submit to the next Congress a full report of the manner in which he has discharged the duties imposed by this act; and that this act be in force from its passage.

Mr. CHANDLER. I raise a question of order on that amendment. It is not germane to this bill.

Mr. ALCORN. I think it is entirely germane.

Mr. WEST. The point is not well taken anyhow.

The PRESIDING OFFICER. The Chair overrules the point of order. The question of relevancy is not a point of order in the Senate.

Mr. ALCORN. The question of the levees of the Mississippi River is one with which I presume the Senate is well acquainted. I have heretofore elaborated as well as I could the importance of this great necessity to the exchequer of the nation. The appropriations in this bill are large. This is one of the means whereby you can supply the money to meet the demands on the Treasury made by the bill that is now being passed.

The board of engineers that was appointed by Congress recommended this appropriation. If this appropriation be made, I firmly believe that five million dollars' worth of cotton and sugar will be produced in the coming year as the result of the appropriation. Last year it will be remembered that Congress appropriated $700,000 for the purpose of feeding the people whose property had been destroyed by the flood. The flood comes again. The danger is threatening even more than then. This bill will save the country from flood, save the people from starvation, bring money into the Treasury, and do a national good. What, Mr. President, would be the condition of the country if cotton was stricken from the national exchequer? That is the great staple on which this Government relies for the balance of trade. It is the staple upon which the country banks. It is the staple upon which the country rests its credit.

And now, as my time is short, I ask to have a letter from the Secretary of War and also from the Chief of Engineers read, and I will submit the question to the judgment of the Senate, trusting that the Senate will favorably consider this most worthy and indispensible proposition.

The Secretary read as follows:

WAR DEPARTMENT,
Washington City, March 2, 1875.

SIR: Acknowledging receipt of your reference of Senate bill No. 1338, for the relief of the overflowed districts of the Mississippi River, I have the honor to transmit, with my concurrence, letter of the Chief of Engineers of the 1st instant on the subject.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

Hon. J. L. ALCORN,
Chairman Select Committee on the Levees of the Mississippi River,
United States Senate.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., March 1, 1875.

SIR: I beg leave to return herewith Senate bill No. 1338, for the relief of the overflowed districts of the Mississippi River, referred to this office for report.

The amounts named in the bill will probably be sufficient to close existing breaks in the levees, exclusive of works now under construction by the local authorities.

Although existing levees are so graded and administered as to be inadequate to the protection of the country in great flood years, yet they are sufficient, if repaired, to restrain ordinary high waters, and as such they should be maintained, pending the inauguration of a proper system, as large areas of valuable lands will otherwise be overflowed.

The provisions of the bill appear to be sufficient to insure the expenditure of the money upon properly located levees, and, except in the contingency of the immediate recurrence of another great flood, the expenditure would greatly assist an impoverished district of country which is now exposed to certain annual overflow.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

Mr. CLAYTON. Mr. President, this seems like a very large appropriation, but I think it is one of the most important measures that can possibly be adopted for the benefit of the South; and I think when the Senate takes into consideration the fact that at the close of the war nearly $60,000,000 were drawn from the South by a tax on its products, at a time when they were impoverished and their fields devastated, when it was almost like drawing blood from an almost lifeless body, Congress should not hesitate to grant this appropriation toward protecting that most fertile valley from the inroads of the Mississippi River. This is a measure not only calculated to increase the receipts of your revenue, but it is calculated in my judgment to aid commerce. In other words, I think the building of these levees will aid the navigation of the Mississippi River. More especially will it be a measure of benefit to the great Mississippi Valley, which will, when protected from the overflow of the Mississippi River, render a very large means of replenishing our Treasury.

Mr. CHANDLER. There have already been donated to these several States more than twenty million acres of overflowed lands for the purpose of building these levees. What has become of these lands donated to the States?

Mr. ALCORN. Will the Senator allow me to reply?

Mr. CHANDLER. Certainly.

Mr. ALCORN. The overflowed lands were given before the war began. The levees were built. During the war the necessities of the Army required that the levees should be leveled to the earth; they have been destroyed, and there is where the swamp lands went.

Mr. CLAYTON. Allow me further to answer the Senator from Michigan. The funds arising from the sale of the overflowed lands in the South have probably been disposed of in some manner as those of the swamp lands in other States, perhaps the Senator's own State among the rest.

Mr. CHANDLER. We were told that these overflowed lands were the richest lands in these States, and that when reclaimed they would be the garden lands of these States, and so the fund derived from them must have been large. They squandered that; and now they come in and ask us to reclaim the very lands that we gave them to reclaim themselves. I hope we shall vote down this amendment of $3,400,000 for the levees, for when you commence taking care of these levees there is no government on earth rich enough to continue the system. Evil-disposed people would go and cut the levees in two for the purpose of having the Government of the United States squander money by millions in their reparation. I trust that this Government will not undertake to keep up a system of levees thirteen hundred miles in length and a thousand miles away from the capital of this nation. Sir, the number of millions or the number of hundreds of millions it will require to create and keep up this system of levees cannot be told by man. I hope the amendment will not be agreed to.

Mr. ALCORN. One word of reply with the permission of the Senate——

The PRESIDING OFFICER. By permission of the Senate the Senator may proceed, he having occupied his time.

Mr. BOUTWELL. I must object.

Mr. WEST rose.

Mr. ALCORN. The Senator from Louisiana will occupy the time.

Mr. BOUTWELL. I wish to say that having given the land to these States, we are asked now to keep them in condition for culti-

vation. That is the proposition to the Senate and to the country. We might as well go upon the prairies of the West and fence their lands, or set hedges, or do any other thing necessary to make them valuable for the purposes of cultivation. If you wish to destroy the whole system of internal improvements and make it offensive upon the shore and upon the river, to prevent all further improvement and all increase of facilities for transportation between different sections of the country, nothing could more effectually accomplish it than the adoption of a proposition of this kind.

Mr. WEST. This is not the first time that I have heard the Senator from Michigan indulge in extravagant figures in connection with these expenditures. Some two years ago when this subject was under discussion in this Chamber, he said that the improvement of the levee system of the Mississippi River, if embarked upon by the Government of the United States, would cost $200,000,000. I cited to him a report of the highest internal authority we have, showing that the cost would be $33,000,000. So much for the system of improvements that we propose to embark upon.

Next he says that we have been given swamp lands and have squandered the money and have no levees. In reply I would state that, so far as we sold the swamp lands, we used the money in constructing our levees. The exigencies of the war destroyed them; but we have the land left and we have a great part of the land that has been given to us by the Government of the United States; but it is unavailable in our possession simply because we have not the capital with which to build these levees. We would gladly reconvey this great charity which is constantly thrown up to us, which is no advantage to us—we would gladly give that back to the United States if the Government would assume the obligation that now devolves on the States. That is what we have done with the swamp lands.

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

Mr. BOUTWELL and Mr. CHANDLER called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 25, nays 24; as follows:

YEAS—Messrs. Alcorn, Bogy, Boreman, Clayton, Conover, Davis, Dennis, Dorsey, Ferry of Michigan, Flanagan, Gordon, Hitchcock, Johnston, Kelly, Logan, Merrimon, Norwood, Patterson, Pease, Ransom, Spencer, Sprague, Stevenson, West, and Windom—25.

NAYS—Messrs. Allison, Bayard, Boutwell, Carpenter, Chandler, Conkling, Cragin, Fenton, Frelinghuysen, Hamilton of Texas, Hamlin, Howe, Jones, Morrill of Maine, Morrill of Vermont, Oglesby, Pratt, Sargent, Scott, Sherman, Stewart, Wadleigh, Washburn, and Wright—24.

ABSENT—Messrs. Anthony, Brownlow, Cameron, Cooper, Eaton, Edmunds, Ferry of Connecticut, Gilbert, Goldthwaite, Hager, Hamilton of Maryland, Harvey, Ingalls, Lewis, McCreery, Mitchell, Morton, Ramsey, Robertson, Saulsbury, Schurz, Stockton, Thurman, and Tipton—24.

So the amendment was agreed to.

Mr. FRELINGHUYSEN. I have an amendment to offer:

For dredging the mud-bars in the Hudson River, in front of Jersey City, $35,000.

I have the report of General Newton, who has made the survey, and recommends this dredging between New York and New Jersey, above Jersey City. It is the smallest sum that could be applied to the purpose. The amendment has been submitted regularly to the Committee on Commerce, and I hope it may be adopted.

The amendment was agreed to.

Mr. JOHNSTON. I offer the following amendment: On page 10, at the end of line 226, insert:

For the improvement of the Appomattox River, Virginia, $30,000.

The amendment was agreed to.

Mr. DENNIS. I offer an amendment to come in after line 221, on page 10:

For the improvement of the harbor of Crisfield, Maryland, $37,317.50.

I remarked a few moments ago that I would ask no appropriation that I did not think proper and expedient. In confirmation of that, I ask leave to read the report of the survey made of this harbor:

It is the sourthern terminus of the Eastern Shore Railroad, which, in connection with the Delaware division of the Philadelphia, Wilmington and Baltimore Railroad, forms the natural and best route, by the Chesapeake Bay, from Philadelphia to Norfolk and Richmond and all places south of these points.

The oyster business is the surest source of the prosperity of the place. The yearly product of oysters taken to Crisfield is said to amount to at least $1,000,000.

The nature of the oyster is such that the more the beds are raked and dredged for the best marketable product, in the proper season—which season also subserves the present interests of the operators—the larger and better the products of the succeeding years.

The number of vessels registered or licensed as belonging to the district for the quarter ending September 30, 1874, was as follows:

Registered	3	
Licensed, under 20 tons	340;	tonnage, 3,962.77
Licensed, above 20 tons	360;	tonnage, 15,658.56
Total vessels	700;	tonnage, 19,621.33

The greater portion of them belong to Crisfield, or at points within sight.

The population of Crisfield is estimated at 2,500, and is constantly increasing.

It is important to secure greater depth of water, to accommodate large steamboats on the through line, and other steamboats and vessels for the local business.

The surveys and examinations were made from November 16 to November 23, inclusive, 1874, and embraced an examination of the outer channel near Jane's Island light, and a careful survey of the bar near Somers Cove light; also, a survey near the railroad wharf.

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

The amendment was agreed to.

Mr. DAVIS. I offer an amendment to come in after line 169, on page 8:

For the improvement of Big Sandy River from Piketon, Kentucky, to the mouth of the river, $15,000.

The amendment was agreed to.

Mr. BAYARD. I offer the following amendment:

For the construction of an additional pier in the ice harbor at New Castle, Delaware, $20,000.

For the improvement of the harbor of Wilmington, Delaware, $20,000.

This amendment is in accordance with the estimate of the engineer, and I believe it meets the approbation of the chairman of the Committee on Commerce. The chairman has heretofore assured me of that fact.

The amendment was agreed to.

Mr. BAYARD. I offer the following amendment:

For the continuation of the construction of the United States pier at Lewes, Delaware, $50,000.

The amendment was agreed to.

Mr. SPRAGUE. I offer the following amendment: On page 12, line 264, strike out "20" and insert "60;" so as to make the appropriation for the improvement of the breakwater at Block Island, Rhode Island, $60,000.

The amendment was agreed to.

Mr. FENTON. I wish to offer a small amendment on page 11, to come in at the end of line 256, in these words:

For Rondout Harbor, New York, $20,000.

The estimates were $85,000. I have taken the liberty to propose this small sum for this year.

Mr. HOWE. Mr. President, I want to say a word now.

Mr. FENTON. Let this vote be taken.

Mr. HOWE. Yes, I will let this be taken. This seems to be a pretty important amendment. I have been struck with the importance of a great many amendments which have been adopted recently.

Mr. FENTON. Make the speech after this vote is taken.

Mr. HOWE. No; just before this vote is taken, I want to say a word. I hope it will not be considered in opposition to this amendment or any other amendment, but rather by way of apologizing for my own conduct. I have rather assumed that the Committee on Commerce of the House and Senate had very carefully taken into consideration the necessities of our internal commerce and the ability of our Treasury and had recommended about the sum of money which our present resources, the present capacity of the Treasury would warrant the application of to the improvement of rivers and harbors. I was inclined to acquiesce in and to stand by their recommendations. So when the honorable Senator from Minnesota [Mr. WINDOM] moved an additional appropriation of $100,000 to improve that great channel connecting the lakes with the Mississsippi running through the center of my own State, I declined to vote for it, and when he moved an additienal appropriation for improving the Ohio River I declined to vote for it, and when he moved an additional appropriation for the improvement of the Kanawha River, I declined to vote for it; and yet, Mr. President, I do not want the country or the Senate to understand that I am opposed to the improvement of these great thoroughfares. There is no man in the United States more heartily in favor of these improvements than I am. I did not think this the way or this the time to ask those additional appropriations, but I saw the Senate was voting the expression of its good-will to each of these works; and when another amendment was moved by the same Senator for improving the Tennessee River, I finally gave a vote in favor of that amendment. I do not wish the Senate or the country to understand that I am more in favor of the improvement of the Tennessee than I am of either of the other works mentioned by the Senator from Minnesota.

Those four amendments have been made. We have gone on pledging a large appropriation for improving the mouth of the Mississippi, an appropriation of three and a half millions for building levees on the banks of the Mississippi, and now we have come to the point when the Senate seems agreed to vote every appropriation that any Senator dare ask for. I had promised, and I intend if any amendments are made to this bill, to ask for the small appropriation of $10,000 to improve the Chippewa River, in the State of Wisconsin. I will not ask a dollar.

I have only one word to say against the amendments that are now moved, and it is this: You are in danger, I think, of creating an alarming deficiency in the stationery account by your extravagant use of paper in writing amendments. I think there is no Senator on this floor who does not know that if these amendments are fastened to this bill the bill can never receive the assent of the two Houses of Congress, or if it does the money can never be found in the Treasury of the United States. I think we had better economize time.

Mr. CONKLING. I ask that the pending amendment be reported.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. On page 11, line 256, it is proposed to insert:

For Rondout Harbor, New York, $20,000.

Mr. CONKLING. I have ventured to move one amendment, amounting to $15,000, to this bill, and in doing it I concluded myself against moving any other by saying it was the only one. My colleague, very properly I think, has ventured to move one other amendment, and that happens to be the occasion when my distinguished friend from Wis-

consin makes the observations he has just addressed to the Senate. I concur in much that he has said, and I think I shall reply sufficiently in behalf of this amendment when I remind the Senate of one thing. This amendment is to take effect, if it prevail, in the State of New York, a State whose people pay about one-fifth of the taxes which are to replenish the Treasury in order to carry out all the appropriations contained in this bill. The amount of appropriation for that State—and I do not complain of it—is a very small proportion of that contained in the bill.

The harbor referred to by my colleague's amendment is on the Hudson River, and it concerns the commerce of people far beyond the confines of that State; and although, as I say, I concur in the propriety of the observations made by the honorable Senator from Wisconsin, I think after the Senate has added to this bill about $9,000,000 of amendments, no Senator will be able to say that it is unreasonable in a case as urgent as that represented by my colleague, where the estimates are $85,000, and the recommendations of the Department to that effect, to ask that we have $20,000 to preserve an uncompleted work and carry it on somewhat toward its completion, in the hope that a time will come when the residue of the needed appropriation may be made.

I think even my friend from Wisconsin will say that we are not unreasonable in the two small amendments that have been offered, one by my colleague now pending, and another one by myself.

The PRESIDING OFFICER. The question is on this amendment of the Senator from New York, [Mr. FENTON.]

The amendment was agreed to.

Mr. SCOTT. Mr. President, it is very evident from the appropriations that are being made for the improvement of our rivers and of our harbors that the regulation of steam navigation becomes more important than ever. It will increase so rapidly that it would be criminal in us not to pass the steamboat law that has been under consideration at various periods during this session. Those who have been of opposite opinions with reference to that steamboat law I think now, in view of the appropriations made in the river and harbor bill, have arrived at the conclusion that it is better to let it pass with the amendments which the Committee on Commerce have added to it. I ask the chairman of the committee to lay aside informally for a few moments the river and harbor bill that we may concur in all those amendments and send them to the House, where, I am satisfied, they will be concurred in. Can I have the assent of the chairman of the committee to lay aside the river and harbor bill long enough to take up that bill and pass it without objection?

Mr. CHANDLER. Certainly.

Mr. HOWE. I suggest to the Senator to move it to the river and harbor bill.

Mr. SCOTT. The Senator from Michigan consents to lay aside the river and harbor bill informally that I may call up House bill No. 1588.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

Mr. SCHURZ. I object.

Mr. MITCHELL. I offer the following amendment providing for a survey. It is to insert on page 16, after line 18 of section 2:

Mouth of Nehalem River, Oregon.
Alsea River and Bar, Oregon.
For examination for a route for a canal sufficient to allow the passage, at ordinary high tide, of steamers drawing ten feet, connecting the waters of Shoalwater Bay with the waters of the Columbia River: *Provided*, That no more than $500 shall be expended in making such survey and estimate.

The amendment was agreed to.

Mr. MITCHELL. I offer another amendment, which has been estimated for by the Engineer Department and recommended by the Secretary of War. After line 308, page 13, I move to insert:

For the construction of a canal connecting the waters of the Coquille River, in Oregon, with the head-waters of Isthmus Slough, an arm of Coos Bay, Pacific Ocean, $100,000.

The amendment was agreed to.

Mr. MITCHELL. I have one other amendment to offer. It is also estimated for. After line 315, on page 14, I move to insert:

For removal of snags, stumps, and overhanging limbs in Yam Hill River, Oregon, $5,000.

Mr. HAMLIN. I think we had better amend that by including the mistletoe on the boughs. [Laughter.]

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

The amendment was agreed to.

Mr. PATTERSON. On line 202, on page 9, I move to strike out "ten" and insert "one hundred;" so as to read:

For the improvement of the harbor at Charleston, South Carolina, $100,000.

The amendment was agreed to.

Mr. SCOTT. The Senator from Missouri authorizes me to say that he withdraws his objection to the consideration of the steamboat bill, and I earnestly hope it will be taken up. I think it can be disposed of in five minutes.

Mr. SCHURZ. Let it be taken up subject to the regular order.

Mr. SCOTT. Subject to the regular order. If it leads to debate, of course it can be withdrawn.

The PRESIDING OFFICER. It requires unanimous consent.

Mr. CONOVER. I object. I will not object if the Senator will allow me to offer some amendments to the bill.

Mr. RAMSEY. I desire to offer an amendment to the river and harbor bill, involving no appropriation. It is simply for a survey. On page 18, line 67 of section 2, I move to insert:

Saint Louis and Saint Croix Rivers, to ascertain the practicability of construct ing a canal between these rivers.

The amendment was agreed to.

Mr. CONOVER. I withdraw my objection to the proposition of the Senator from Pennsylvania.

Mr. WINDOM. I offer the following amendment as part of the amendments of the Committee on Transportation Routes:

SEC. —. That the Secretary of War be, and he is hereby, authorized and directed to survey, lay out, and commence the construction of a canal from a point on the Illinois River, at or near the town of Hennepin, by the most practicable and convenient route, to the Mississippi River, at or above the city of Rock Island, on Rock River to the most practicable and convenient point with a branch canal, or feeder, from the most practicable and convenient point on the main line of said canal. Said canal and said branch shall not be less than seventy feet wide at the water line and not less than six feet in depth of water, with locks not less than one hundred and fifty feet in length and twenty-one feet in width, and with a capacity for vessels of at least two hundred and eighty tons burden; and for that purpose the Secretary of War shall have power and authority, by engineers and agents employed by him, to enter upon any lands for the purpose of making the necessary preliminary examinations and surveys, and to enter upon and appropriate to the use of the United States, for the purpose aforesaid, any lands for the construction of such canal and branch, with guard-gates, waste-weirs, locks, lock-houses, basins, bridges, and other erections and fixtures, as may be necessary for the safe and convenient navigation of the said canal and branch.

SEC. —. That the Secretary of War shall cause to be made, by skillful engineers of the Army, all necessary examinations and surveys, and shall determine and locate the route of said canal with a due regard to the permanency of its construction and its greatest advantages for commercial purposes; and the said engineers shall make and file in the office of the Secretary of War a survey, map, and profile of said canal and branch when thus located and before the work thereon shall be commenced.

SEC. —. That it shall be the duty of the Secretary of War, in order to secure the right of way for such canal and branch, to acquire the title to such lands as may be necessary, by agreement, purchase, or voluntary conveyance from the owners, if it can be done on reasonable terms; but if that shall be found impracticable, then the Secretary of War shall apply, at any term of the circuit or district court of the United States for the northern district of Illinois, to be held thereafter, at any general or special term held in said district, and in the name of the United States institute and carry on proceedings to condemn such lands as may be necessary for right of way as aforesaid, and in such proceedings said court shall be governed by the laws of the State of Illinois so far as the same may be applicable to the subject of condemning private property for public uses.

SEC. —. That the Secretary of War shall cause said work to be commenced as soon as practicable, and within six months after this act goes into effect; and he shall cause said work to be constructed in accordance with the provisions of section — of this act, and of permanent and substantial materials and in good workmanlike manner: *Provided*, That Congress may at any time regulate, fix, and determine the tolls and charges to be imposed upon said improvement when completed.

SEC. —. That the sum of $600,000 be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to carry into effect the provisions of this act relating to the canal connecting the Illinois River, at or near the town of Hennepin, with the Mississippi River, at or above the city of Rock Island.

The amendment was agreed to.

Mr. GORDON. I move on page 9, line 205, after the word "the," to insert "Etowah," and strike out "five" and insert "twenty" on the next line; so as to make the clause read:

For the improvement of the Etowah, Oostenaula, and Coosawattee Rivers, Georgia, $20,000.

The amendment was agreed to.

Mr. FERRY, of Michigan. I think I have been very modest. I have offered no amendment to this bill. I now ask leave to offer the following amendment: On page 15, line 344, strike out "fifteen" and insert "thirty-five;" so as to make the clause read:

For the improvement of the harbor and river at Saint Joseph, Michigan, $35,000.

The amendment was agreed to.

Mr. FERRY, of Michigan. I offer another amendment to insert on page 3, after line 49:

For the improvement of the harbor of Pentwater, Michigan, $10,000.

The amendment was agreed to.

Mr. FERRY, of Michigan. I have one more amendment to offer and then I am through. After line 59, on page 3, I move to insert:

For the improvement of the harbor at New Buffalo, Michigan, $10,000.

The amendment was agreed to.

Mr. HAMILTON, of Maryland. I offer the following amendment:

For the improvement of the harbor of Leonardtown and Britton's Bay, Maryland, $20,000.

The amendment was agreed to.

Mr. SHERMAN. I offer the following amendment:

To explore and clear out the obstructions and mill-dams in Owl Creek, Ohio, $5,000.

[Laughter.]

The amendment was agreed to.

Mr. MERRIMON. I offer the following amendment, to come in after line 58 of section 2, on page 18:

Harbor at Edenton, North Carolina; Pungo River and Alligator River, and a line between the same, with a view to connect the waters of these two streams; a line between the Neuse and Cape Fear Rivers, in North Carolina, with a view to connect the waters of the same; and a like line, with a view to connect the waters of Norfolk Harbor, in Virginia, with the waters of the Cape Fear River at or near Wilmington, North Carolina.

The amendment was agreed to.

Mr. BOREMAN. I offer the following amendment, to come in after line 228:

For the improvement of the Little Kanawha River, $25,000.

The amendment was agreed to.

Mr. NORWOOD. On line 196, page 9, I move to strike out "twenty-five" and insert "thirty-five;" so as to make the clause read:

For the improvement of the Chattahoochee and Flint Rivers, $35,000.

Mr. SPENCER. I do not think these amendments are in order. They have not been referred to any committee.

The PRESIDING OFFICER? What is the point of order?

Several SENATORS. It is too late.

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

The amendment was agreed to.

Mr. DENNIS. I offer the following amendment:

For the improvement of Chester River, Kent Island Narrows, Maryland, $5,000.
For the improvement of Cambridge Harbor, Maryland, $5,000.

The amendment was agreed to.

Mr. DENNIS. I offer the following amendment for a survey:

For a survey of Patapsco River, from Spring Garden to Elkridge Landing; for a survey of the Potomac River, above Georgetown, for the purpose of removing the rocks known as the Three Sisters, and other obstructions.

The amendment was agreed to.

Mr. SPENCER. I discover that there is a large number of amendments to be made, and in order to give Senators time to prepare them I ask the Senator from Michigan to allow me to call up a bill.

Mr. CONOVER. I object until I can offer an amendment.

Mr. LOGAN. I want to call the attention of the Senate for a moment to one fact. Chicago Harbor, has been estimated for at different times by the Engineer Department. At one time I think the estimate was over a million dollars. In this bill the amount appropriated is $78,000. If I supposed that the intention of the Senate was to load down this bill with such amendments as have been put in it, I certainly should have asked an increase of this appropriation, and also of that for Calumet Harbor, that is in the bill, at $25,000, and ought to be doubled. I do not wish to criticise the action of any Senator, but I think the manner in which we have to-night amended this bill either indicates that we have no regard whatever for the interests of the country or that we have a determination to defeat the bill. Last night, I believe, we voted thirty-odd millions taxation. To-night the Senate is trying to show the country how quickly it can squander that amount. Think of appropriating money for the purpose of clearing out the Sandy River and the Appomattox River, for surveys between rivers. Such amendments as have been made here to-night, in the estimation of this whole country, will be supremely absurd and ridiculous. If the object is to defeat the bill, this is the way to do it. If the intention of the Senate is to pass an appropriation bill for rivers and harbors, all these amendments ought to be wiped out as you would wipe water from a counter with a sponge.

I am a friend of this bill. I voted for some of the amendments. I am in favor of the general system of internal improvements that has been indicated by my friend from Minnesota; but however much I am in favor of that scheme for the general benefit of this whole country, with the number of amendments that have been put on this bill, if they are to remain upon it, I shall certainly vote against the whole thing, and shall do so whenever an opportunity is afforded, unless the bill is stripped of the amendments that ought not to be made.

I merely desired to say this much to show that I do not feel like entering into this character of legislation. It is not the kind of legislation we ought to enter upon at this late hour or at any other time in this session of Congress or any other session. If we intend to legislate, we ought to do it. If we intend to make a bill absurd and ridiculous, then we are taking the right course for that purpose.

Mr. CONOVER. I desire to offer an amendment to the bill:

For the improvement of the inside passage between the Saint John's River, Florida, (at Jacksonville,) and Fernandina, Florida, of the rivers known as the "Sisters," $25,000.

The amendment was agreed to.

Mr. CONOVER. I have another amendment:

For dredging the bar at the mouth of the harbor of Cedar Key, Florida, and to complete the same, $30,000.

The amendment was agreed to.

Mr. CONOVER. I have another amendment:

For enlarging the canal cut through the Haulover, between Mosquito Lagoon and Indian River, on the east coast of Florida, to a uniform width of twenty-five feet and depth of five feet, $5,000.

The amendment was agreed to.

Mr. STOCKTON. I desire to offer an amendment to the bill, and it may strike the Senate with some astonishment that it is not an appropriation of any kind. There is a clause in the bill ordering an examination or exploration of a river in New Jersey, and I desire simply to extend the exploration a few miles further. The effort has been already made to examine the river. There is no money in the thing, and I think there will be no objection on the part of anybody to it. The amendment is to include in the surveys in section 2:

And of the Raritan River, from Staten Island to New Brunswick.

The amendment was agreed to.

Mr. HAMILTON, of Maryland. I offer an amendment for the improvement of the Potomac River in the District of Columbia:

For the purpose of continuing the dredging of the Potomac River and removing dangerous rocks in the harbor of Georgetown, $50,000.

The amendment was agreed to.

Mr. FLANAGAN. Mr. President, old men often become in their action as children. I do not know what that may be applied to. But, sir, I have an amendment or two here that I wish to offer in good faith. I know they are meritorious. I do not thereby say that many have been presented that are not. Upon page 14, at the end of line 325, I propose to insert a small sum. It is rather humiliating I know to name the amount after what we have realized very recently:

For removing the obstructions in the mouth of the San Jacinto River, Texas, $7,500.

This is meritorious, and was reported by the officers of the Government, and I hope it will be acceptable to the Senate and that it will stand the test of any subsequent investigation.

The amendment was agreed to.

Mr. FLANAGAN. I propose to amend on page 15 by inserting at the end of line 340:

For the continuation of the improvement of Cypress Bayou, in Texas, $50,000.

That is legitimate, and really the recommendation of the officers of the Government was some $312,000, but I had no idea at the time I submitted this amendment and had it referred to the committee that the Senate would be so liberally disposed, or I should have contended for $300,000; but I thought if I could get the $50,000, I would be gratified and I still shall be if the Senate will pass it.

The amendment was agreed to.

Mr. McCREERY. I offer the following amendment:

For removing obstructions from the Big South Fork of Cumberland River, $5,000.

The amendment was agreed to.

Mr. McCREERY. I offer the following amendment:

For removing obstructions in Rockcastle River, in Kentucky, from its mouth to the Narrows, $5,000.

The amendment was agreed to.

Mr. WRIGHT. Mr. President, we have about thirteen hours of this session remaining. I think it must be manifest to every Senator on this floor that this bill in its present shape——

Mr. RANSOM. Will not the Senator from Iowa allow me one second to offer an amendment which if the chairman of the committee will give me his attention he will agree to? It is not to embarrass the bill.

Mr. WRIGHT. I believe I have the floor.

The VICE-PRESIDENT. The Senator from Iowa has the floor and declines to yield.

Mr. WRIGHT. I was remarking that we have about thirteen hours of this session left. It must be very manifest to every Senator that this bill must either fail or ought to fail. We have put upon it already from eleven to twelve million dollars, and for every conceivable object. There are a number of streams, rivers, and creeks in my State that I might offer amendments for, and I suppose they would pass through just as many of these have. There are some amendments on this bill made by the Senate that are properly put upon it and that we all concede to be legitimate and essential for the best interests of the country, and all portions of the country, in my judgment, will be satisfied with if they are kept on the bill. What we want is cheaper transportation; and we all feel, and properly, that to make such appropriations is entirely within our power under the Constitution. But, as has been said by the Senator from Illinois, many millions of money have been voted here for objects that nobody can pretend are legitimate or proper.

Now I want to bring the Senate to a direct vote. We have work before us that must be done before this Congress adjourns. I therefore move to lay this bill upon the table, and upon that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SHERMAN. If my friend will withdraw his motion to lie on the table for a moment to allow me to make a suggestion, I think I can suggest a way in which the Senate can proceed.

Mr. WRIGHT. I will listen to the suggestion of the Senator.

Mr. SHERMAN. It seems to me that under the circumstances the better way would be to report the bill to the Senate and then drop all the amendments except those that may be again adopted in the Senate on reflection. Let the bill be reported to the Senate, and then I shall make a few suggestions to the Senate in regard to the bill. In that way, if we desire to save the river and harbor bill, it can be done. Let the bill, with all the amendments be reported and then of course the great body of them will fall.

Mr. WRIGHT. My fear about that is that we shall be in the same situation exactly when we get into the Senate as we are now.

Mr. SHERMAN. I think if the bill is reported, by common consent we can take it as it came from the other House with the four or five propositions which have been added by a yea and nay vote on the motion of the Senator from Minnesota, [Mr. WINDOM,] and thus we may pass a bill every proposition of which has been fairly and fully considered by a committee. In that way I am willing to see the bill passed.

Mr. STEWART. Let me make a suggestion. Let us pass the bill and let it go to a committee of conference, and if it comes back with all the amendments on it, then let it be tabled.

Mr. WRIGHT. I do not propose to let it get that far along if I can help it. I insist on my motion that the bill lie on the table, and I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 19, nays 29; as follows:

YEAS—Messrs. Anthony, Boutwell, Chandler, Conkling, Cragin, Eaton, Fenton, Hamilton of Maryland, Hamilton of Texas, Hamlin, Howe, Logan, Morrill of Vermont, Pratt, Scott, Sherman, Tipton, Washburn, and Wright—19.

NAYS—Messrs. Alcorn, Allison, Bogy, Boreman, Carpenter, Clayton, Cooper, Davis, Dennis, Dorsey, Ferry of Michigan, Flanagan, Goldthwaite, Gordon, Johnston, Kelly, Merrimon, Mitchell, Morrill of Maine, Norwood, Pease, Ramsey, Ransom, Sargent, Schurz, Spencer, Stevenson, West, and Windom—29.

ABSENT—Messrs. Bayard, Brownlow, Cameron, Conover, Edmunds, Ferry of Connecticut, Frelinghuysen, Gilbert, Hager, Harvey, Hitchcock, Ingalls, Jones, Lewis, McCreery, Morton, Oglesby, Patterson, Robertson, Saulsbury, Sprague, Stewart, Stockton, Thurman, and Wadleigh—25.

So the amendment was agreed to.

Mr. RANSOM. I offer an amendment to come in before the last paragraph of the bill. It requires no appropriation, and the chairman of the Committee on Commerce consents to it. It simply provides for surveys. The amendment is to insert in the second section:

Pamlico River, from its mouth to the town of Washington, North Carolina.
Neuse River, from its mouth to Goldsborough, North Carolina.
Pasquotank River, from Albemarle Sound, to Elizabeth City, North Carolina.
Perquimans River, from its mouth to the town of Hertford, North Carolina.

The amendment was agreed to.

The bill was reported to the Senate as amended.

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:

A bill (S. No. 786) for the relief of Samuel S. Potter;

A bill (S. No. 1339) to abolish the consulate at Amoor River and establish a consulate at Vladivostock, Russia, and for other purposes; and

A bill (S. No. 1328) to amend sections 1675, 1676, 1681, and 1682 of the Revised Statutes of the United States.

REMOVAL OF CAUSES FROM STATE COURTS.

Mr. CARPENTER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. No. 3511) regulating the removal of causes from State courts to the district courts of the United States, respectfully report that they have met, and after a full and free conference they have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from their disagreements to the amendments of the Senate and agree to the same with the following amendments:

First. In section 3 strike out the words "before the final hearing or trial therein," where they first occur therein and insert instead thereof as follows: "before or at the term at which said causes could be first tried and before the trial thereof."

Second. Strike out section 7, 8, and 11 of said Senate amendment.

Third. In section 9 of said Senate amendment strike out the words "civil or criminal," in the first line of said section.

Fourth. In line 11 of said section 9 of said Senate amendment, after the word "any," insert the word "such," and strike out the words "civil or criminal" where they occur in said line.

Fifth. In line 17 of said section 9 of said Senate amendment strike out the word "prosecution."

Sixth. In line 21 of said section 9 of said Senate amendment strike out the words "civil or criminal."

Seventh. In lines 28 and 29 of said section 9 of said Senate amendment strike out the words "civil or criminal."

Eighth. In line 34 of said section 9 of said Senate amendment strike out the words "criminal prosecution or penal" and insert in place thereof the word "such."

Ninth. In line 39 of said section 9 of said Senate amendment strike out the words "indictment, presentment, or other."

Tenth. In line 39 of said section 9 of said Senate amendment strike out the word "prosecution."

Eleventh. In lines 41 of said section 9 of said Senate amendment strike out the word "prosecution."

Twelfth. In lines 42 and 43 of said section 9 of said Senate amendment strike out the words "if the cause be of a civil nature, at law or in equity."

Thirteenth. In line 1 of said section 10 of said Senate amendment strike out the word "civil."

Fourteenth. In line 9 of said section 10 of said Senate amendment, after the words "or claim to," insert these words: "or to remove any incumbrance or lien or cloud upon the title and to."

Fifteenth. Strike out section 13 of said Senate amendment and insert instead thereof the following: "All acts and parts of acts in conflict with the provisions of this act are hereby repealed."

Sixteenth. Amend the title of said House bill to read as follows: "An act to determine the jurisdiction of circuit courts of the United States and regulate the removal of causes from State courts, and for other purposes."

MATT. H. CARPENTER,
ALLEN G. THURMAN,
Managers on the part of the Senate.

LUKE P. POLAND,
LYMAN TREMAIN,
CHARLES A. ELDREDGE,
Managers on the part of the House.

The report was concurred in.

REPORT OF A COMMITTEE.

Mr. HOWE, from the Committee on Foreign Relations, to whom was referred the bill (S. No. 1290) to encourage and promote telegraphic communication between America and Asia, reported it with amendments.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 3341) to equalize the bounties of soldiers who served in the late war for the Union, ask a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. L. B. GUNCKEL of Ohio, Mr. JOHN COBURN of Indiana, and Mr. CHARLES A. ELDREDGE of Wisconsin, managers at the conference on the part of the House.

The message also annnounced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. No. 1273) to regulate the proceedings in *mandamus;*

A bill (H. R. No. 2080) to provide for deducting any debt due the United States from any judgment recovered against the United States by such debtor; and

A bill (H. R. No. 4324) to authorize the change of the name of the Second National Bank of Jamestown, New York.

The message also announced that the House had agreed to the resotion of the Senate for the printing of ten thousand copies of the addresses delivered in the two Houses on the occasion of the death of Hon. William A. Buckingham, late a Senator from the State of Connecticut.

The message further announced that the House had concurred in the resolution of the Senate authorizing the Committee on Enrolled Bills to correct the title of the bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States, and granting to railroads the right of way through the public lands, so that it will read "An act granting to railroads the right of way through the public lands of the United States."

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

A bill (H. R. No. 4849) to regulate the appearance and compensation of agents and attorneys prosecuting claims or demands before Congress and the Executive Departments of the Government, and for other purposes;

A bill (H. R. No. 4866) for the relief of Major Nathaniel H. McLean, late of the Adjutant-General's Department, United States Army;

A bill (H. R. No. 4865) to still further continue the act to authorize the settlement of accounts of officers of the Army and Navy; and

A bill (H. R. No. 4867) for the relief of Martha J. Coston.

ENROLLED BILLS SIGNED.

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

A bill (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes; and

A bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1876, and for other purposes.

EQUALIZATION OF BOUNTIES.

The Senate proceeded to consider its amendments to the bill (H. R. No. 3341) to equalize the bounties of soldiers who served in the late war for the Union disagreed to by the House.

On motion of Mr. LOGAN, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

The VICE-PRESIDENT appointed Mr. LOGAN, Mr. HAMLIN, and Mr. SPENCER.

RIVER AND HARBOR BILL.

The Senate resumed the consideration of 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.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan.) The question is on concurring in the amendments made as in Committee of the Whole.

Mr. CONKLING. On the question of concurring in the amendment we ought to take the yeas and nays.

Mr. SHERMAN. On each amendment.

Mr. CONKLING. I hear the Senator from Ohio say in his seat "on each amendment." He is quite right about that no doubt, except for the clock. We have now thirteen hours and a great deal to do. We cannot go through these amendments *seriatim* in a good while.

Mr. SHERMAN. Anybody can ask for a separate vote.

Mr. CONKLING. That may be, but we can take the yeas and nays on the amendments in gross, any Senator having a right to reserve any amendment he pleases. The question is substantially the same. I demand the yeas and nays on the question in whatever form it is to be put.

The VICE-PRESIDENT. The Senator from New York asks for the yeas and nays on concurrence in the amendments.

The yeas and nays were ordered.

Mr. WINDOM. I wish a separate vote upon the amendments reported from the Committee on Transportation. They were carefully considered, and I believe it is the sense of the Senate that they should be adopted.

Mr. SHERMAN. It is manifest that in the present condition of the bill we shall have to vote on each separate amendment. I would not like to have a vote on the whole mass of amendments, for in that way they would all be carried just as they have been carried before. I should like in the first place to vote by yeas and nays on the question of putting on the bill the appropriation for the levees of the Mississippi River. That was the commencement of the trouble. We might as well have a vote on that.

The VICE-PRESIDENT. The Senator from New York proposes to have the vote taken on the concurring in all the amendments, reserving such as members choose to reserve for a separate vote.

Mr. SHERMAN. I reserve them all then until we get down to the point where we were involved in trouble. Let the amendments be reported and some will be acted on without objection.

Mr. CONKLING. Let it be so done if the Senate think it wise; but let me remind the Senate that it was at seven o'clock when we proceeded to the consideration of this bill and it is now eleven o'clock. Four hours have been devoted in traversing these amendments under the five minute's rule. Now if they are to be reconsidered *seriatim*, the cock will crow before this bill is disposed of, and in the mean time all the other things which wait for us will wait in vain.

Mr. LOGAN. If there is a separate vote, I presume it will not be necessary for us to take the yeas and nays on every amendment.

The VICE-PRESIDENT. The Senator from Minnesota proposed to reserve the amendments proposed by the Committee on Transportation.

Mr. LOGAN. I hope that will be done.

Mr. GORDON. I wish to make a suggestion. Almost every one of these amendments which the Senator from Ohio will ask a vote upon will need an explanation. The mover of each will want to explain. We shall consume vastly more time probably than it has taken to put them on in explanations; and I suggest that the whole thing had better be disposed of by a committee of conference. I think we shall save a great deal of time in that way.

Mr. SHERMAN. I am not willing for one to pass this bill in the shape it is now and send it to any committee of conference in the world. If we take up the amendments one by one we shall soon come down to the levee question, and probably will have no difficulty in passing on them rapidly after that.

The VICE-PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. SHERMAN. I call for a divison of the question, and ask that the first amendment be reported.

The VICE-PRESIDENT. The first amendment will be reported.

The CHIEF CLERK. The Senate, as in Committee of the Whole, adopted an amendment adding to the bill the following sections:

SEC. —. That the Secretary of War be, and he is hereby, authorized and directed to survey, lay out, and commence the construction of a canal from a point on the Illinois River, at or near the town of Hennepin, by the most practicable and convenient route, to the Mississippi River, at or above the city of Rock Island, with a branch canal, or feeder, from the most practicable and convenient point on Rock River to the most practicable and convenient point on the main line of said canal. Said canal and said branch shall not be less than seventy feet wide at the water line, and not less than six feet in depth of water, with locks not less than one hundred and fifty feet in length and twenty-one feet in width, and with a capacity for vessels of at least two hundred and eighty tons burden; and for that purpose the Secretary of War shall have power and authority, by engineers and agents employed by him, to enter upon any lands for the purpose of making the necessary preliminary examinations and surveys, and to enter upon and appropriate to the use of the United States, for the purpose aforesaid, any lands for the construction of such canal and branch, with guard-gates, waste-weirs, locks, lock-houses, basins, bridges, and other erections and fixtures, as may be necessary for the safe and convenient navigation of the said canal and branch.

SECTION. —. That the Secretary of War shall cause to be made, by skillful engineers of the Army, all necessary examinations and surveys, and shall determine and locate the route of said canal with a due regard to the permanency of its construction and its greatest advantages for commercial purposes; and the said engineers shall make and file in the office of the Secretary of War a survey, map, and profile of said canal and branch when thus located and before the work thereon shall be commenced.

SEC. —. That it shall be the duty of the Secretary of War, in order to secure the right of way for such canal and branch, to acquire the title to such lands as may be necessary, by agreement, purchase, or voluntary conveyance from the owners, if it can be done on reasonable terms; but if that shall be found impracticable, then the Secretary of War shall apply, at any term of the circuit or district court of the United States for the northern district of Illinois, to be held thereafter, at any general or special term held in said district, and in the name of the United States institute and carry on proceedings to condemn such lands as may be necessary for right of way as aforesaid, and in such proceedings said court shall be governed by the laws of the State of Illinois, so far as the same may be applicable to the subject of condemning private property for public uses.

SEC. —. That the Secretary of War shall cause said work to be commenced as soon as practicable, and within six months after this act goes into effect; and he shall cause said work to be constructed in accordance with the provisions of section — of this act, and of permanent and substantial materials and in good work. man-like manner: *Provided*, That Congress may at any time regulate, fix, and determine the tolls and charges to be imposed upon said improvement when completed.

SEC. —. That the sum of $600,000 be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to carry into effect the provisions of this act relating to the canal connecting the Illinois River, at or near the town of Hennepin, with the Mississippi River, at or above the city of Rock Island.

The question being taken by yeas and nays, resulted—yeas 29, nays 16; as follows:

YEAS—Messrs. Alcorn, Allison, Bogy, Boreman, Clayton, Conkling, Cragin, Davis, Dennis, Dorsey, Ferry of Michigan, Flanagan, Frelinghuysen, Goldthwaite, Hamlin, Howe, Johnston, Logan, Norwood, Oglesby, Patterson, Pease, Ransom, Scott, Sprague, Stewart, West, Windom, and Wright—29.

NAYS—Messrs. Bayard, Boutwell, Hamilton of Maryland, Jones, McCreery, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Pratt, Sargent, Saulsbury, Sherman, Stevenson, Tipton, and Washburn—16.

ABSENT—Messrs. Anthony, Brownlow, Cameron, Carpenter, Chandler, Conover, Cooper, Eaton, Edmunds, Fenton, Ferry of Connecticut, Gilbert, Gordon, Hager, Hamilton of Texas, Harvey, Hitchcock, Ingalls, Kelly, Lewis, Morton, Ramsey, Robertson, Schurz, Spencer, Stockton, Thurman, and Wadleigh—28.

So the amendment was concurred in.

Mr. SHERMAN. I ask that we proceed now to consider the levee amendment.

The VICE-PRESIDENT. The question is on concurring in the amendment moved by the Senator from Mississippi [Mr. ALCORN] in regard to the levees.

Mr. SHERMAN. On that I wish to say a few words. This is a bill for the improvement of rivers and harbors. It is midnight of the night before the adjournment, and this new project about the levees of the Mississippi was offered as an amendment to the bill. I suppose it surprised every member of the Senate except the one who offered it. The idea of putting a scheme to levee the Mississippi River on a bill of this kind, which is ordinarily composed of appropriations for the improvement of navigation, was a surprise to every one.

The question about the levees of the Mississippi has been studied by me to some extent and is one of the greatest and most difficult problems we have to consider. When the levees of the Mississippi River are made they will cost from thirty to fifty million dollars. It is not likely that the $3,000,000 proposed here will do anything at all except repair them where they are broken. When they are to be constructed on a permanent basis it will cost from thirty to fifty million dollars, and can hardly be attempted unless as a great national work, aided by State and local authority, and supported indeed by taxes upon those who are benefited. To put that subject on this bill would necessarily involve it and probably endanger it and defeat it. I call the attention of my honorable friend from Mississippi, and all Senators from the Southern States who are interested in the levee question, to the fact that after long debate and full consideration the Senate of the United States have by a unanimous vote, without a division, put upon this appropriation bill a scheme to improve the mouth of the Mississippi River. I believe it is a wise one, well considered, approved by engineers, approved by scientific men, which will accomplish the result proposed. That is one of the great works for the Southern States, one of the most important achievements that can be accomplished for them; of more advantage to them and to the whole country than any other single improvement. It is now about to be put into successful consummation. The plan is agreed to by both Houses. The bill has already passed the House, and it is now agreed to by the Senate as an amendment to this bill. It is a most important feature of this river and harbor bill. I appeal to Senators from the Southern States, is it wise to put on this proposition, which has the concurrence of all sections of the country, a measure difficult in itself, vast in its proportions, great in its expenditure, in order to defeat and delay and hamper this most important measure? I trust that Senators, without regard to their ideas about the levee system, the way to do it and how it should be done, will not put this ill-considered scheme offered without debate upon this bill. I appeal to the Senate not to commingle these subjects, but to vote down the levee project and confine the bill simply to what it was intended to be, a bill for the repair and preservation of the harbors and rivers of the country.

With that view I hope the Senate, without being bound by the vote already taken or without yielding anything respecting their convictions on this subject or their desires in the future to adopt a national system in aid of the levees of the Southern States, will relieve this bill from this incubus, and then we can consider and no doubt act upon the subject separately hereafter.

Mr. ALCORN. One of the very best means of improving the navigation of a river is by levees erected upon the banks of that river. That principle is adopted in the amendment to which the honorable Senator refers looking to the jettees at the mouth of the Mississippi River. It is one of the very best means and the most economical means of improving the navigation of streams, confining the water to its ways, and preventing its overflow. The State of Mississippi and the Southern States are no more interested in the opening of the mouth of the Mississippi River than are the people of the State of Ohio. One third of the continent upon which we live is interested in the opening of the mouth of the Mississippi River.

The levees of the Mississippi River had been constructed before the war; they had been built in part by the bounty of the nation; but the accidents of war, the necessities of war, the cruelties of the war demanded that the levees should be leveled with the earth. The flood passes now unrestrained over us. Last year we appealed to the Congress of the United States, and $700,000 were voted from the national Treasury to feed the people whose whole hope had been destroyed by reason of the floods upon the Mississippi River. The people along the line of that river since the war have struggled with a manhood unparalleled in the history of this people; they have borne a taxation and now bear a taxation of sixty cents an acre upon their

lands, besides a tax upon their cotton, to endeavor to protect themselves from the mighty floods of the Mississippi River.

Mr. President, this enemy, the Mississippi River, comes down upon us annually and makes periodical war upon us. We are weak; we hold out our hand to the Government and ask you to help us. We say we are assailed by an enemy against which we have combated for the last ten years, since the war began. You impoverished us by your cotton tax, and we are poor indeed. We appeal to you for help. Will you give it to us? If not, will you feed those poor colored people whose homes are upon the banks of the Mississippi River? You must feed them if you will not protect their homes.

The Senator from Michigan talked awhile ago about the quantity of land given by the Government already for the purpose of protecting these levees. That was true. The State of Mississippi to-day, that embraces thirty million acres of land, has already had forfeited for taxes over six million acres of that land. The land is there. I introduced a bill twelve months ago in which I proposed to retrocede to the Government of the United States every acre of swamp and overflowed land which had been donated to the State of Mississippi. We will give it to you to-day. It is there; take it. If you will build the levees along the Mississippi River, we will divide it up in homesteads and give it to the homeless. It belongs to the State. It is a wild waste; it is a jungle as it is.

If you will vote this appropriation of $3,000,000, we will produce by reason of it, the coming year, within the year, and before the ides of December come, as the result of this appropriation, at least $50,000,000 in sugar and in cotton. Take it, then. If you say vote it down, vote it down. Be it so. I have discharged my duty, and am content.

Mr. CLAYTON. I will say only a few words in addition to what has been said. The Senator from Ohio speaks as though this proposition was brought in here without notice. Sir, it is the result of careful deliberation not only by the Committee on Levees of this body but by a mixed commission composed of learned Army engineers and civil engineers. They have gone all over this ground. This amendment is reported by the Committee on Levees after most careful deliberatian. It is not a measure that has been brought here without deliberation. The Senator from Ohio says——

Mr. SHERMAN. Was any notice of it given to the Committee on Commerce?

Mr. ALCORN. Certainly it was reported by the Committee on Levees and referred to the Committee on Commerce and printed.

Mr. CLAYTON. Certainly it was. The Senator from Ohio says that perhaps except the Senator from Mississippi no one was aware of this measure being introduced here. That is a great mistake. It was acted upon by the Committee on Levees, reported to this body, and referred to the Committee on Commerce and is now properly before the Senate.

Mr. President, if you had adopted this measure at the close of the war instead of putting on an onerous tax upon the products of the people of the South, in my opinion you would have less cause for your troops in the South now. You want to tranquilize the South. You cannot do an act which will in my opinion do more toward tranquilizing the South than by extending this fostering and helping protection. This is not a measure that has no merit; it is a meritorious measure; and I am only sorry that the five-minute rule cuts us off from a full discussion of it. I hope that the friends of the measure, especially our friends in the North, will stand by us, and I say to them that they will see good fruits flow from it.

Mr. FLANAGAN. Feeling a great interest, Mr. President, in this important question, I deem it necessary to make a few observations.

Some forty-five years ago a distinguished man whose name is loved by the American people designated the great river Mississippi as an inland sea. To a very great extent his designation was correct. It is a national matter. This is no political question. If it was, as we have been doing, we should divide very readily on the subject. But we are all engaged in this matter. We feel a deep interest in it. A few million dollars is no consideration. I have been familiar with this system since my boyhood. I know its magnitude. It has been properly stated here that thousands and thousands of dollars' worth, ay, millions, are produced annually from the articles of cotton and sugar. Rice, however, is a very large item there, and that was omitted. The vast interests of this nation taken into consideration, this becomes an insignificant sum. Twenty-five years ago it was the case on the Mississippi that a northern gentleman riding up and down in one of the fine steam-palaces was ready to proclaim that his nation presented a finer coast than the world could boast of. We want it again restored to be the pride of the nation and its substantial benefit in a pecuniary point of view and in every other consideration that can be invoked. It is a matter of merit and I do hope it will receive a favorable consideration by the vote of the Senate.

The VICE-PRESIDENT. The question is on concurring in the amendment as to the levees.

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

The yeas and nays were ordered; and being taken, resulted—yeas 23, nays 24; as follows:

YEAS—Messrs. Alcorn, Bogy, Boreman, Clayton, Cooper, Davis, Dorsey, Ferry of Michigan, Flanagan, Goldthwaite, Johnston, Kelly, McCreery, Merrimon, Mitchell, Patterson, Pease, Ransom, Spencer, Sprague, Stevenson, Tipton, and West—23.

NAYS—Messrs. Allison, Anthony, Boutwell, Chandler, Conkling, Cragin, Fenton, Frelinghuysen, Hamilton of Texas, Hamlin, Howe, Jones, Morrill of Maine, Morrill of Vermont, Oglesby, Pratt, Sargent, Scott, Sherman, Stewart, Wadleigh, Washburn, Windom, and Wright—24.

ABSENT—Messrs. Bayard, Brownlow, Cameron, Carpenter, Conover, Dennis, Eaton, Edmunds, Ferry of Connecticut, Gilbert, Gordon, Hager, Hamilton of Maryland, Harvey, Hitchcock, Ingalls, Lewis, Logan, Morton, Norwood, Ramsey, Robertson, Saulsbury, Schurz, Stockton, and Thurman—26.

So the amendment was rejected.

Mr. WEST. I ask now for a separate vote on the amendment that was agreed to in Committee of the Whole for the improvement of the mouth of the Mississippi River, and as this amendment is eleven pages long and its provisions are very well known I ask unanimous consent that the reading of the amendment may be dispensed with.

Mr. SPENCER. It has been read once.

The VICE-PRESIDENT. The reading will be dispensed with. The question is on concurring in the amendment indicated by the Senator from Louisiana, [Mr. WEST.]

Mr. HOWE. In line 37, page 4, I move to strike out "six" and insert "five" as the rate of interest on this deferred debt instead of 6 per cent. but it is suggested on my right that that amendment has been made, but I do not understand it so.

The VICE-PRESIDENT. The Chair is informed that it has not been.

Mr. WEST. There would seem to be an impropriety in the Government of the United States paying 6 per cent. interest when under present arrngements the highest rate it will pay for money borrowed, that is to say on our bonds, would be 5 per cent.; but if the Senator will take into consideration the fact that this is the money of an individual or of a corporation put into an improvement and that the United States derives the benefit of it, I do not think he will put it on a par with parties who are offering to loan money to the Government. It is 1 per cent. more than is paid upon bonds; but that is an arrangement for loaning money to the Government where the parties who loan the money think they can get a compensation at 5 per cent., while in this case it is reserving a man's money and paying him the ordinary rate of interest and only 1 per cent. more than where we borrow money. The Government pays 5 per cent. interest in gold upon her bonds, and this is to pay 6 per cent. in currency.

Mr. HOWE. I ask for the yeas and nays on the amendment to the amendment.

Mr. WEST. I will accept the amendment here and throughout the original amendment.

The VICE-PRESIDENT. The Senator from Louisiana accepts the amendment of the Senator from Wisconsin. The question will be on the amendment as amended.

Mr. HOWE. I ask if this same amendment is made in every case where the interest is provided for?

Mr. WEST. Yes.

Mr. SHERMAN. The Senator from Wisconsin had better point out the places.

Mr. HOWE. It occurs in the twenty-ninth line, on the fourth page. It occurs again in the forty-fourth line of the same page.

Mr. WEST. It occurs throughout as to all the reserved payments, and I accept it throughout.

Mr. HOWE. It occurs in the fifty-first line of the fifth page and again in the sixty-fifth line on the fifth page.

Mr. WRIGHT. If the vote is about to be taken on this amendment, I wish to say a few words. I am exceedingly anxious to vote for some measure that shall with fair probabilities secure an improvement of the mouth of the Mississippi River. All portions of my State are interested in that. I want to vote for any measure that will in my judgment accomplish this object. I do not want to vote for a measure and will not vote for a measure unless I am satisfied it will accomplish this object. I will not vote for a measure which shall take $8,000,000 more out of the Treasury of the United States unless I can be satisfied that that object will be accomplished. By this amendment it is proposed to give to an individual a contract for opening the mouth of that great river. I have nothing before me to satisfy me that that work can be accomplished, or if it can be accomplished that the amount proposed to be paid is a reasonable sum or that it is not an extravagant sum. I have had good, intelligent, worthy, and responsible engineers tell me that they will do all the work that is proposed by this measure for from 15 to 20 per cent. less than is proposed by it. I think that Congress in proposing this improvement, a great improvement as it is, ought to leave it in the hands of the proper engineers of the Government, and let it out upon contract, or the Government superintend it by its own force in its own hands. I do not believe in giving this contract to any individual, and especially for a sum so very large, when I have no assurance but that it is most extravagant.

In the next place, I do not believe in the principle or theory of this bill. I not believe that the Government ever is justified in proposing that an individual shall take a contract, and if he succeeds he shall have a large sum of money; if he fails, he shall not have his money. I think that all observation and all experience show that in the end it is the most extravagant scheme that a government can enter upon. In my judgment, the Government ought to keep this in their own hands, let their contracts, have their own officers and supervisors to superintend it, and from time to time see how the work progresses. By the terms of this bill there is no provision, as I understand it, for permanency. If you secure the depth of water, then this man is entitled to his money, and the next year or the next two years everything may go because of the manner in which the work is done, and

you may have temporary depth of water and the Government lose it all and pay the money also.

Mr. President, I am anxious for the improvement of the Mississippi River. I am willing to vote any amount of money that may be necessary to accomplish that end. I do not know anything that is more important to the great West than that. I know of nothing to which we can devote money more appropriately than that; and I think it is due from us to the people of this country now in the closing hours of this session that we should reflect well and see whether there is not danger that we are throwing this money away. I say this from a sincere desire to reach a proper end, to have such a measure pass as shall certainly accomplish the end we have in view. My fear is that if we pass this bill the money will be squandered and in the end we shall not get the improvement. If I believed we would and that we would accomplish it, I would readily vote for this amendment; but I do not believe in this or any other case we are justified in providing that any person shall have a large sum of money if he accomplishes what he undertakes, and failing that then he shall have nothing or next to nothing. I do not believe it accords with what is right toward the citizen, and in the end my judgment is that it will be the most extravagant method we can enter upon to improve the mouth of the river.

Mr. WEST. Mr. President, the Senator from Iowa made a statement which he certainly has substantiated by his argument, and that was that he had nothing before him because he is not informed; he will excuse me for saying so. He has quoted provisions of the bill that do not exist in it, and he says there is nothing before the Senate going to show what the contemplated cost of this improvement is. Here is the report. He talks about $8,000,000. Here is the report from the commission appointed last year stating that the cost of this work will be $5,342,000. Now I ask the Senator and I ask the Senate who ever heard of a work being done by the Government of the United States that was ever kept within the limits of the estimates? Here is a proposition to do this work for less than the Government expects that it could do it, and for less than it certainly would do it. So much for that.

Next he says there is no provision here for permanence. He has not read the provisions. There is the strongest provision for permanence and there are the strongest restrictions on this contractor that if the work is not permanent the work shall stop instantly. Let him read the twentieth page. And he quotes prominent contractors——

Mr. WRIGHT. I have read the bill, as I will show.

Mr. THURMAN. Will my friend allow me to "vindicate the truth of history" a little?

Mr. WEST. In a moment. With reference to these contractors, is there any work of the Government of the United States that you let out upon a contract that a man will not go about in fifteen minutes afterward and say "I will do it for less?" If these men are willing to do this work for 20 per cent. less, why are they not before Congress with their proposition? This has been here for three years. Why are they not coming to this contractor and saying, "We will take the work as a sub-contract and make money?" There is nothing of the kind.

Mr. WRIGHT. Allow me to interrupt the Senator. I filed a memorial of a gentleman from my own State here within the last three weeks, and it went to the committee, in which he proposes to do this very work for 10 per cent. less than is offered here.

Mr. WEST. It is the first I heard of it. I have no doubt if we could waste one, two, three, or four years more in asking for proposals, we might be able to economize; but in the mean time the mouth of your great river is blocking up and your grain is locked in its granaries, and it does not find its way to the sea-board. I think the statement of the Senator entirely unwarranted either by the report or by the bill itself.

Mr. THURMAN. I rise simply "to vindicate the truth of history." The Senator from Louisiana asked what public work had ever been undertaken and executed in the United States within the estimates. I confess I know but one instance, and that was the building of the General Post-Office. The building of the General Post-Office was confided to that stern old democrat Amos Kendall. He built it within the estimates. That is the only instance I ever heard of.

Mr. WEST. Thank you, sir.

Mr. WINDOM. I do not want to prolong this debate, but the Senator from Iowa is evidently mistaken on one or two points, and I wish to correct the impression that I think his mistake has made. In the first place, he says that there has been an offer sent to the committee reporting this amendment from a constituent of his proposing to do this work for 10 per cent. less than is named here. The Senator is entirely mistaken upon that point. There is no such, there has been no such, proposition made before the committee. I have heard of none. There was a proposition made by the gentleman to whom he refers to do the work proposed by the House bill for 10 per cent. less than that bill provided, but that bill provided for $10,000,000 for this work. This bill provides for only $7,250,000, capitalizing the continuation of the work for twenty years. This is very much cheaper than that. I know the Senator is simply mistaken.

Further than that, I will say to the Senator that he is mistaken again in the supposition that this is a proposition to give to an individual large pay if he succeeds. We appointed the commission last summer who investigated this whole question and reported upon it carefully after traveling nearly all over Europe to investigate similar works, and they say the cost will be $7,942,000. That is their estimate. This bill provides for only $7,250,000, or $692,000 less than our own estimate.

I think, as the Senator from Ohio has said, that there are very few cases where work has been done for less than the estimate. If we had brought in a proposition here to do this work by the Engineer Department, the opponents of the measure would have come in and told us, "Why, it will cost seven millions, and before you get through it will cost fourteen millions;" but we offer to take a gentleman's proposition to do the work to give you the navigation or no pay, at nearly a million dollars less than our own Engineer Department or a commission appointed for the special purpose estimated, and we are told this is giving a man large pay if he succeeds! I do not want to take time. I know the Senator from Iowa is interested in this question as much as I am. I believe this is the cheapest and most certain way of accomplishing it, and I believe it is the only way in which we can succeed. Hence I am heartily for it and hope we may have the vote.

Mr. WRIGHT. Only one word. I feel exceeding great regret that my friend from Louisiana should have felt that I was unkindly to this measure, and should have in spirit, not in mere appearance and in words, proclaimed on this floor that I knew nothing about this measure, that I had not read the bill. I say to that Senator that I do not usually vote upon a proposition or say anything about a proposition until I know something about it. I am not in the habit of doing such things. I may not understand them as well as the Senator, but I at least make the effort. I am as anxious for the improvement of the Mississippi River as the Senator is. I want to do it in the best way. I may be mistaken in this instance, but if so I am honestly mistaken. My judgment is that in less than five years you will find that this is a mistake. I tell you this Government never can make a contract with an individual by which they agree if successful he shall have something, and if unsuccessful he shall do the work and pour out his money and we not pay him anything. It never can do it without losing money in the end. It does not comport with the dignity of this Government, it does not comport with right action on the part of this body, to say to any man, "You shall pour out your millions; unsuccessful, you shall have no money from the Treasury." In the end the Treasury will bleed for it as sure as we are here.

Now I want to call attention to another thing. The offer was made to do this work by the House bill, it was said, and the House passed a bill, as I understand it, by which over $10,000,000 was to be paid to this man. Now he comes in and proposes to do it for less than $8,000,000. I submit that in that very fact there is a most significant circumstance.

Mr. WEST. Will the Senator allow me to interrupt him? The House bill was for another pass, an entirely different pass, and this is for a deeper one.

Mr. WRIGHT. I do not know whether my time is up, but if so I cannot consent to be interrupted.

The VICE-PRESIDENT. The Senator has a few moments longer.

Mr. WRIGHT. I have no disposition to interfere with anything that may tend to accomplish this work. I only want to put myself on record at this time. I shall vote against this measure. I have no doubt it will pass, but I want to say now that in my judgment I believe it will be a mistake.

The VICE-PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole as to the improvement of the mouth of the Mississippi River.

Mr. EATON. I recognize the duty of every Senator to vote on every measure. I would like to be excused from voting on this, and for this reason: it is about being married to a project that I do not believe this Government has any power to go into.

The VICE-PRESIDENT. The Senator from Connecticut asks to be excused from voting.

The question being put, it was determined in the affirmative.

Mr. BOUTWELL. I am paired with the Senator from Indiana, [Mr. MORTON.] If he were present he would vote in favor of the amendment, and I against it.

The question being taken by yeas and nays, resulted—yeas 40, nays 6; as follows:

YEAS—Messrs. Alcorn, Allison, Bogy, Boreman, Clayton, Cooper, Cragin, Davis, Dorsey, Fenton, Flanagan, Goldthwaite, Hamilton of Texas, Hamlin, Harvey, Ingalls, Johnston, Jones, Kelly, Logan, McCreery, Mitchell, Norwood, Oglesby, Patterson, Pease, Pratt, Ramsey, Schurz, Scott, Sherman, Spencer, Stevenson, Stewart, Stockton, Thurman, Tipton, Washburn, West, and Windom—40.

NAYS—Messrs. Chandler, Edmunds, Howe, Sargent, Wadleigh, and Wright—6.

ABSENT—Messrs. Anthony, Bayard, Boutwell, Brownlow, Cameron, Carpenter, Conkling, Conover, Dennis, Eaton, Ferry of Connecticut, Ferry of Michigan, Frelinghuysen, Gilbert, Gordon, Hager, Hamilton of Maryland, Hitchcock, Lewis, Merrimon, Morrill of Maine, Morrill of Vermont, Morton, Ransom, Robertson, Saulsbury, and Sprague—27.

So the amendment was agreed to.

F. T. GRANT'S PATENT.

Mr. HAMLIN. I shall be obliged to be absent from the Senate on a committee of conference. There is a bill on the table which will not take five minutes that I ask the Senate to allow me to have taken up and passed now. It is to renew a patent. The Senator

from New Hampshire [Mr. WADLEIGH] has made a report upon the case.

There being no objection, the bill (H. R. No. 4858) to authorize the Commissioner of Patents to sign the certificate of extension of letters-patent No. 28470, granted to Frederick T. Grant May 29, 1860, was considered as in Committee of the Whole.

Mr. HAMLIN. The bill simply authorizes the man to go to the Commissioner for a hearing.

Mr. WADLEIGH. It is a case where a hearing has already been had and the Commissioner decided to extend the patent, but on account of an accident the money was not received at the office quite in season. It came a day or two too late, and therefore the certificate was not signed.

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

MANDAMUS PROCEEDINGS.

Mr. RANSOM. A message came from the House a short time ago announcing its agreement to the amendments of the Senate to the bill (H. R. No. 1273) to regulate proceedings in *mandamus*. I wish before the bill is enrolled to have it referred to the Judiciary Committee for examination.

The VICE-PRESIDENT. Such a motion would not be in order at this stage of the bill.

Mr. RANSOM. I have consulted with members of the Judiciary Committee and they think the bill needs examination.

Mr. BOUTWELL. If the bill is here, I think we had better leave it on the table, and the Judiciary Committee can look at it.

Mr. RANSOM. The Senator from Massachusetts will pardon me for saying that it is a bill in which my State and other States are greatly concerned. I have consulted with the Judiciary Committee, and on the suggestion of leading members of that committee I make the motion that the bill be now referred to the committee for examination. The bill has not yet been enrolled.

The VICE-PRESIDENT. The bill is in possession of the House of Representatives. It is not in the possession of the Senate.

Mr. RANSOM. Then I move that the Senate request the recall of the bill from the House.

The VICE-PRESIDENT. The Senator from North Carolina moves that a message be sent to the House of Representatives asking the return of the bill.

The motion was agreed to.

MARY C. TOY.

Mr. ALLISON. I ask unanimous consent to pass a little pension bill that must go back to the House on account of a slight amendment. It is House bill No. 3884.

Mr. WINDOM. I will not object to this, but I must insist on the regular order until the river and harbor bill is disposed of.

There being no objection, the bill (H. R. No. 3884) granting a pension to Mary C. Toy was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Toy, widow of John B. Toy, late a private in Company A, of the Sixty-sixth Regiment of Iowa Volunteers.

The Committee on Pensions reported the bill with amendments in line 6 to strike out "B" and insert "V," so as to read "John V. Toy;" and to change the regiment to the "Sixteenth Regiment of Iowa Volunteers" instead of the Sixty-sixth.

The amendments were agreed to.

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

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

The bill was read the third time, and passed.

RIVER AND HARBOR BILL.

Mr. WINDOM. I insist on the regular order.

The VICE-PRESIDENT. 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, is before the Senate.

Mr. WINDOM. There are two or three committee amendments, the list of which I send to the Secretary, all of which were voted on by yeas and nays and reported from the Select Committee on Transportation. I shall have to ask a separate vote on each. I presume the Senate does not desire to vote again by yeas and nays, but I hope they will be acted on so that we may ascertain the sense of the Senate.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) Will the Senator name the amendments?

Mr. WINDOM. I sent a list of them all to the clerk some time ago. The yeas and nays were taken on each and every one of them in committee.

Mr. SPENCER addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama has risen for some purpose.

Mr. SPENCER. I wish to make a few remarks. It is very seldom I ask a favor of the Senate.

Mr. BOGY and Mr. DAVIS. I insist on the regular order.

Mr. SPENCER. I have a right to speak on the question that is before the Senate. It is very seldom that I occupy the attention of the Senate. It is very seldom that I ask for anything of the Senate. I am appointed on a committee of conference and have to leave the Senate——

Mr. WINDOM. I insist on the regular order. I have a right to insist on it.

Mr. SPENCER. I was going on to make my remarks.

The PRESIDING OFFICER. The Chair understands the Senator from Alabama to be addressing himself to the bill.

Mr. WINDOM. Then I have no objection.

Mr. SPENCER. I was going on to say that I am now about to go out on a committee of conference, and may be detained several hours, for the bill is of great importance, and there will be a great deal of difficulty in arriving at a conclusion. I ask as a favor that the Senate will take up House bill No. 4448, making an appropriation for the new school building in the city of Georgetown, District of Columbia.

Mr. WINDOM. There are half a dozen requests from Senators all around me, and I must insist on this bill or it will be lost.

Mr. SPENCER. I have not made a request at this session.

Mr. WINDOM. I would be very glad indeed to yield to the Senator; but I am told his bill cannot pass without discussion, and I must insist on the regular order.

Mr. SPENCER. It will not take the time to pass the bill that I have already been talking about the bill to the Senate.

Mr. WINDOM. It will lead to discussion.

Mr. SPENCER. There will be no discussion on the bill whatever.

Mr. WINDOM. I insist on the regular order.

The PRESIDING OFFICER. The Senator from Minnesota insists on the regular order, and the motion of the Senator from Alabama cannot be entertained. The Secretary will read the first amendment of the Senator from Minnesota on the list.

The SECRETARY. On page 2, line 17, strike out "five" and insert "six;" so as to read:

For the improvement of the Fox and Wisconsin Rivers, $600,000.

The question being put, there were on a division—ayes 18, noes 21.

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

The yeas and nays were ordered.

Mr. THURMAN. I wish to say one word on that amendment. That improvement lies wholly within the bounds of a single State. New York has made far more miles of canal than that canal. Ohio has made twice as many miles of canal as that canal or as that improvement. This is an appropriation upon the top of nearly three millions that have been expended upon an improvement frozen for six months in the year.

Mr. WINDOM. I do not desire to debate this. This was voted on before. It has been before the country for a long time, and it is well understood. It is understood by five or six States in the Northwest that it will cheapen the cost of getting to market ten or fifteen cents a bushel. If the Senator from Ohio and the Senate want to defeat it with fifty thousand people petitioning for it, I have nothing to say.

Mr. MERRIMON. I should not object to this so seriously—indeed, I might be induced to support some of these measures—if it were not the fact that it is the inauguration, the placing on foot practically of that grand scheme which the committee themselves say will cost about $155,000,000.

Mr. CHANDLER. I wish to state that the engineers in charge of this work are entirely satisfied that with the amount recommended by the Committee on Commerce in the other House they have all they can judiciously expend this year; but if we have a surplus that we are anxious to throw away, it is as well to do it there as anywhere else.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the roll-call will proceed.

The Secretary proceeded to call the roll, and Mr. ALCORN responded to his name by voting "nay."

Mr. WINDOM. Mr. President——

The PRESIDING OFFICER. The Senator is too late. One Senator has responded to his name. The Secretary will call the roll.

The question being taken by yeas and nays, resulted—yeas 19, nays 25; as follows:

YEAS—Messrs. Allison, Boreman, Cragin, Davis, Ferry of Michigan, Flanagan, Frelinghuysen, Harvey, Howe, Ingalls, Johnston, Mitchell, Patterson, Ramsey, Schurz, Scott, West, Windom, and Wright—19.

NAYS—Messrs. Alcorn, Bayard, Bogy, Chandler, Clayton, Cooper, Dennis, Dorsey, Eaton, Fenton, Hamilton of Maryland, Hamilton of Texas, Jones, Kelly, McCreery, Merrimon, Pease, Pratt, Sherman, Stevenson, Stewart, Thurman, Tipton, Wadleigh, and Washburn—25.

ABSENT—Messrs. Anthony, Boutwell, Brownlow, Cameron, Carpenter, Conkling, Conover, Edmunds, Ferry of Connecticut, Gilbert, Goldthwaite, Gordon, Hager, Hamlin, Hitchcock, Lewis, Logan, Morrill of Maine, Morrill of Vermont, Morton, Norwood, Oglesby, Ransom, Robertson, Sargent, Saulsbury, Spencer, Sprague, and Stockton—29.

So the amendment was non-concurred in.

The PRESIDING OFFICER. The next amendment on the list will be reported.

The CHIEF CLERK. The next reserved amendment is on page 7, line 158, to strike out "3" and insert "8;" and in line 159 to strike out "one" and insert "six;" so that the clause will read:

For the improvement of the Ohio River, $800,000; that $600,000 of this amount shall be used for, and applied toward, the construction of a "movable dam," or a dam with adjustable gates, for the purpose of testing substantially the best method

of improving permanently the navigation of the Ohio River and its tributaries; the location of this work, with the plan of construction and the application of the amount hereby appropriated, to be submitted to the Secretary of War for his approval.

Mr. DAVIS. Three hundred thousand dollars being in already, this is an increase of $500,000 for the Ohio River.

Mr. THURMAN. This is an increase of $500,000, $800,000 in all; $600,000 of which is to construct a "movable dam." I think it would be better to change the words and say a "damnable move." [Laughter.] Now if you are to pile on appropriations in that way, you might as well give up this bill at once.

Mr. WINDOM. If the Senator from Ohio is going to attack this bill with such acute wit as that, I think we might as well about give it up.

Mr. THURMAN. I think so.

Mr. WINDOM. He was extremely witty awhile ago with reference to this "movable dam." If he would take pains to inform himself about it he would find it is not so damnable a move as he thinks. All there is about this movable dam, if the Senator would take the trouble to inform himself, is this: It is so constructed that in low water the vessels pass through the chute, and the water is retained a long deep space in the river above so that it can be let down in high water. There is nothing new about it. It may be entirely new to the Senator because he has not studied it; but if he desires by the force of his tremendous wit to defeat a matter for the benefit of his own constituents, I shall not insist more on it here.

Mr. THURMAN. I am willing to take the responsibility.

Mr. CHANDLER. I understand that in the spring of the year, when the ice is very thick, these dams move very rapidly and a great way.

Mr. WINDOM. I would like to know if the honorable Senator ever knew of such a dam, or ever heard of one before, and where it was. My impression is that the chairman of the Committee on Commerce has given very little attention to this subject except to try to defeat every amendment that does not suit him.

The amendment was rejected.

The PRESIDING OFFICER. The next amendment will be reported.

The CHIEF CLERK. The next reserved amendment is on page 8, line 173, to strike out "one" and insert "six;" so as to read.

For the improvement of the Great Kanawha River, West Virginia, $600,000.

Mr. DAVIS. This, as is well known, is the Kanawha River. There is no dam upon that. I think it very meritorious, and I hope the Senate will agree to it. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 21, nays 20; as follows:

YEAS—Messrs. Alcorn, Allison, Bogy, Boreman, Clayton, Davis, Ferry of Michigan, Flanagan, Goldthwaite, Gordon, Harvey, Hitchcock, Ingalls, Johnston, Mitchell, Patterson, Pease, Ransom, Scott, West, and Windom—21.

NAYS—Messrs. Bayard, Boutwell, Chandler, Dennis, Eaton, Edmunds, Fenton, Frelinghuysen, Hamilton of Maryland, Hamilton of Texas, Howe, McCreery, Merrimon, Morrill of Vermont, Pratt, Sargent, Sherman, Tipton, Wadleigh, and Washburn—20.

ABSENT—Messrs. Anthony, Brownlow, Cameron, Carpenter, Conkling, Conover, Cooper, Cragin, Dorsey, Ferry of Connecticut, Gilbert, Hager, Hamlin, Jones, Kelly, Lewis, Logan, Morrill of Maine, Morton, Norwood, Oglesby, Ramsey, Robertson, Saulsbury, Schurz, Spencer, Sprague, Stevenson, Stewart, Stockton, Thurman, and Wright—32.

So the amendment was concurred in.

The PRESIDING OFFICER. The next amendment on the list will be reported.

The CHIEF CLERK. The next reserved amendment is on page 8, line 176, to strike out "$160,000" and insert "$560,000" as the appropriation—

For the improvement of the Tennessee River below Chattanooga, including the Muscle Shoals.

The question being put, there were on a division—ayes 18, noes 10; no quorum voting.

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

The yeas and nays were ordered; and being taken, resulted—yeas 23, nays 20; as follows:

YEAS—Messrs. Alcorn, Bogy, Boreman, Clayton, Cooper, Cragin, Davis, Dennis, Ferry of Michigan, Goldthwaite, Gordon, Harvey, Hitchcock, Ingalls, Johnston, Mitchell, Norwood, Oglesby, Patterson, Pease, Ramsey, Ransom, and Windom—23.

NAYS—Messrs. Allison, Bayard, Boutwell, Chandler, Conkling, Eaton, Edmunds, Fenton, Frelinghuysen, Hamilton of Maryland, Howe, McCreery, Merrimon, Morrill of Maine, Morrill of Vermont, Pratt, Sargent, Sherman, Tipton, and Washburn—20.

ABSENT—Messrs. Anthony, Brownlow, Cameron, Carpenter, Conover, Dorsey, Ferry of Connecticut, Flanagan, Gilbert, Hager, Hamilton of Texas, Hamlin, Jones, Kelly, Lewis, Logan, Morton, Robertson, Saulsbury, Schurz, Scott, Spencer, Sprague, Stevenson, Stewart, Stockton, Thurman, Wadleigh, West, and Wright—30.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. MCPHERSON, its Clerk, announced that the House, in accordance with the request of the Senate, returned the bill (H. R. No. 1273) to regulate proceedings in *mandamus*.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A 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; and

A bill (H. R. No. 1593) relating to the punishment of the crime of manslaughter.

The message further announced that the House had passed the bill (S. No. 671) for the relief of Alexander Minor, of West Virginia.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3511) regulating the removal of causes from State to the circuit courts of the United States.

DEFICIENCY APPROPRIATION BILL.

Mr. MORRILL, of Maine. The Committee on Appropriations, to whom was referred the bill (H. R. No. 4851) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1875, and prior years, and for other purposes, have had the same under consideration, made sundry amendments, and have instructed me to report it back with these amendments. I have to say that the amendments are not very large, though there are quite a number of them. I suggest that it is probably entirely impracticable to have these amendments printed. I ask the Senate whether they will consider the bill without an attempt to print it?

Mr. EDMUNDS. There is no use to try to print it.

Mr. MORRILL, of Maine. I will take the earliest moment to call it up.

Mr. SHERMAN. Why not take it up now?

Mr. DAVIS. There is one bill pending, an appropriation bill.

EXECUTIVE SESSION.

Mr. EDMUNDS. I think it would be a great advantage to all parts of the country to have a short executive session of ten or fifteen minutes, because everything will fall otherwise. I therefore move that we proceed to the consideration of executive business.

Mr. DAVIS. Can we not finish the river and harbor bill first?

Mr. CONKLING. Let us have a short executive session. We will open the doors again and lose nothing by it.

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 motion was agreed to.

Mr. BOUTWELL. While the galleries are being cleared I would like to take up and pass a patriotic bill giving condemned cannon for a monument to General Warren.

Mr. ALLISON. I would like to pass a little pension bill while the doors are being closed.

Mr. DAVIS. I object.

The Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened, (at one o'clock and twenty-five minutes a. m. Thursday, March 4.)

ORDNANCE FOR MONUMENTAL PURPOSES.

Mr. BOUTWELL. I ask unanimous consent of the Senate to proceed to the consideration of House bill No. 3923.

There being no objection, the bill (H. R. No. 3923) authorizing the Secretary of War to deliver certain condemned ordnance to the Joseph Warren Monument Association of Boston, Massachusetts, for monumental purposes, was considered as in Committee of the Whole.

The Committee on Military Affairs reported an amendment to the bill, to add thereto the following proviso:

Provided, That the same can be done without detriment to the service.

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SARAH ANN CROSBY.

Mr. DAVIS. I call for the regular order.

Mr. ALLISON. I want to make a report in a pension case so as to have it on the table. The Committee on Pensions, to whom was referred bill (H. R. No. 4331) granting a pension to Sarah Ann Crosby, have instructed me to report the same favorably. I ask that it be placed on the Calendar.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The bill will be placed on the Calendar.

Mr. WEST. I call for the regular order.

Mr. MORRILL, of Vermont. I ask leave to pass two little bills that I am charged with that will not take over two minutes.

Mr. DAVIS. We must have the regular order.

Mr. WEST. I insist on the regular order.

LOUISE HOME.

Mr. STOCKTON. Mr. President, I ask the Senate, the last thing that I ever shall in all human probability ask the Senate of the United States, to allow me to call up the bill relative to the Louise Home. It is a mere matter of charity, and it would be a pleasure to me to get that bill through to-night.

Mr. WINDOM. It is impossible to resist that appeal, but I will resist all others.

The PRESIDING OFFICER. The Senator from New Jersey, as a

parting appeal, asks to take up the bill he has named. Is there objection? The Chair hears no objection.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4445) to incorporate the trustees of the Louise Home, and for other purposes.

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

Mr. STOCKTON. Gentlemen, thank you. That is all I have got to say.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Senate had passed the following bills:

The bill (S. No. 867) to correct a clerical error in the acts granting the right of way through the public lands to the Denver and Rio Grande Railway Company, approved June 8, 1872;

The bill (S. No. 898) to authorize the settlement of the accounts of Passed Assistant Paymaster E. Mellach, United States Navy.

The bill (S. No. 912) to annex certain land to reservation No. 2, occupied by the Department of Agriculture.

The message further announced that the House had passed a joint resolution (H. R. No. 162) explanatory of an act entitled "An act fixing the number of paymasters in the Army of the United States," approved March 2, 1875; in which it requested the concurrence of the Senate.

RIVER AND HARBOR BILL.

The Senate resumed the consideration of 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.

Mr. GORDON. I have an amendment to offer to the bill. On page 9, line 204, after the words "thousand dollars," I move to add:

And also $5,000 for removing the dry-dock in the south channel of the Savannah River.

Mr. MORRILL, of Vermont. I ask unanimous consent of the Senate to pass two bills that I am charged with that will not take over two minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DAVIS. There is objection.

Mr. SCOTT. I desire to call the attention of the Senator from Vermont and of other Senators interested in the bill to which I have referred, and for which I have unanimous consent, whenever the river and harbor bill is disposed of, that if we take up other bills it imperils that bill. Senators who are interested in it much more than I am will take notice that there are eleven hundred cases in that bill all of which are pressing; and if other bills are taken up after unanimous consent given to take up this bill, I am not to blame for it.

Mr. SARGENT. I shall insist on taking up the deficiency bill when this bill is through.

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

The amendment was agreed to.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments made as in Committee of the Whole were concurred in.

Mr. CONKLING. Does that concur in all the amendments?

The PRESIDING OFFICER. They are all concurred in.

Mr. CONKLING. I ask for the yeas and nays to see whether they are concurred in.

Mr. SHERMAN. None of these amendments should be adopted unless by being called over, so that we may know what they are. Those that were put on by hotchpotch cannot be passed over without knowing what they are.

The PRESIDING OFFICER. The amendments will be reported.

The first amendment was on page 3, to insert the following:

For the harbor of Pentwater, Michigan, $10,000.

Mr. SHERMAN. Not one of those amendments came from a committee, and I think under the circumstances we can hardly be asked to vote for them. They were offered here without examination, without being understood.

The amendment was non-concurred in.

The next amendment was on page 3, to insert:

For the improvement of the harbor at New Buffalo, Michigan, $10,000.

The amendment was non-concurred in.

The next amendment was to insert in section 2:

For Pamlico River, from its mouth to the town of Washington, North Carolina.
Neuse River, from its mouth to Goldsborough, North Carolina.
Pasquotank River, from Albemarle Sound to Elizabeth City, North Carolina.
Purquimans River, from its mouth to the town of Hertford, North Carolina.

Mr. RANSOM. This is simply for a survey, and contains no appropriation.

Mr. EDMUNDS. There will be an appropriation next year.

The question being put, there were 20 ayes——

Mr. EDMUNDS. I beg to ask the Chair to count the negative and report them.

The PRESIDING OFFICER. The Senator from Vermont asks that the negative be counted.

The noes being counted, there were 11.

Mr. SARGENT. These are surveys, and ought to be in the latter part of the bill.

The PRESIDING OFFICER. There appears to be a quorum present.

Mr. EDMUNDS. Whether there is a quorum here or not, you cannot adopt or reject an amendment without a quorum voting.

The PRESIDING OFFICER. The Chair observed that there seems to be a quorum present.

Mr. EDMUNDS. Let the Chair state the question again.

The PRESIDING OFFICER. The question is on concurring in the amendment offered by the Senator from North Carolina, [Mr. RANSOM.]

Mr. RANSOM. It is simply for a survey.

The amendment was concurred in, there being on a division—ayes 39, noes 7.

Mr. SARGENT. Now I ask unanimous consent that that amendment be put at the end of the surveys, where it belongs.

Mr. CONKLING. At the end of the Calendar. [Laughter.]

The PRESIDING OFFICER. That change will be made, if there be no objection.

The next amendment made in Committee of the Whole was on page 5, to insert:

For dredging the mud-bars in the Hudson River in front of Jersey City, $35,000.

The PRESIDING OFFICER put the question, and declared that the noes appeared to prevail.

Mr. FRELINGHUYSEN. I call for a division. I hope that will not be voted down. It is recommended by General Newton. The surveys have been made, and it is considered important. There is a recommendation that $100,000 be expended, but this $35,000 will save a good deal of damage, and I trust the Senate will take the advice of General Newton on the subject. There is a written report which, if they wish to hear, I will read.

Mr. SHERMAN. Has the amendment been reported from a committee?

Mr. EDMUNDS. From the Committee of the Whole. [Laughter.]

Mr. SHERMAN. The Committee of the Whole was *non compos mentis* at the moment.

Mr. FRELINGHUYSEN. It was reported from the Committee on Commerce.

Mr. CONKLING. And was as much reported as any other amendment from that committee.

Mr. CHANDLER. I understand this to be private property.

Mr. FRELINGHUYSEN. It is not private property any more than the harbor of New York is private property. Every man in the country is interested in this amendment.

The amendment was concurred in, there being on a division—ayes 22, noes 18.

The next amendment made in Committee of the Whole was on page 5, after line 113, to insert:

For the construction of an additional pier in the ice harbor at New Castle, Delaware, $20,000.

The amendment was non-concurred in.

The next amendment was to insert:

For the improvement of the harbor at Wilmington, Delaware, $20,000.

The amendment was non-concurred in.

The next amendment was to insert:

For the continuation of the construction of the United States pier at Lewes, Delaware, $50,000.

The amendment was non-concurred in.

The next amendment was to insert:

For the improvement of the harbor at Chrisfield, Maryland, $37,317.50.

Mr. DENNIS. I wish to say that this has been agreed to by the Committee on Commerce. I have seen its members here, and they all concur in it.

The amendment was concurred in—ayes 40, noes not counted.

The next amendment made as in Committee of the Whole was on page 8, to insert the following:

For the improvement of the Big Sandy River from, Piketon, Kentucky, to the mouth of the Ohio River, $15,000.

The amendment was non-concurred in.

The next amendment was on page 9, line 196, to strike out "25" and insert "35;" so that the clause will read:

For the improvement of the Chattahoochee and Flint Rivers, Georgia, $35,000.

The amendment was non-concurred in.

The next amendment was in lines 202, to strike out "10" and insert "100;" so as to increase the appropriation for the improvement of the harbor at Charleston, South Carolina, to $100,000.

Mr. PATTERSON. In regard to this appropriation I merely wish to say that Charleston Harbor, since the war, has only received $88,000. You all know that the harbor was closed up during the war, and since then the Government has only spent $88,000 there to $321,000 in North Carolina.

Mr. CHANDLER. I will state that $10,000 is all the engineers have asked for that harbor this year.

The amendment was non-concurred in, there being, on a division—ayes 16, noes 22.

The next amendment was at the end of line 204, to insert:

For removing dry-dock in the south channel of the Savannah River, $5,000.

The amendment was non-concurred in.

The next amendment was in line 206, to strike out "5" and insert "20;" so as to read:

For the improvement of Etowah, Oostenaula, and Coosawattee Rivers, Georgia, $20,000.

The amendment was non-concurred in.

The next amendment was after line 212 on page 9 to insert:

For enlarging the canal cut through the Haulover, between Mosquito Lagoon and Indian River, on the east coast of Florida, to a uniform width of twenty-five feet and depth of five feet, $5,000.

The amendment was non-concurred in.

The next amendment was to insert:

For the improvement of the inside passage betwen the Saint John's River, Florida, (at Jacksonville,) and Fernandina, Florida, of the rivers known as the "Sisters," $25,000.

The amendment was non-concurred in.

The next amendment was to insert:

For dredging the bar at the mouth of the harbor of Cedar Key, Florida, and to complete the same, $30,000.

The amendment was non-concurred in.

The next amendment was on page 10, after line 226, to insert:

For the improvement of the Little Kanawha River, $25,000.

Mr. DAVIS. This is specially asked for by my colleague, who is not in his seat now. He has at this session given a great deal of attention to the subject. It is a very small sum, $25,000, and I hope the Senate, on his account, will let it stand.

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

Mr. DAVIS. I ask for a division on account of my colleague who is not in his seat. He has paid a great deal of attention to it.

The question being again put, there were on a division—ayes 15, noes 9; no quorum voting.

Mr. DAVIS. I ask that it be passed by until my colleague comes in. There is not a quorum voting on it. If my colleague does not come in, I will not call it up again.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and this amendment will be passed over until either the Sentaor's colleague appears or the bill is passed.

Mr. SARGENT. It will be considered lost if the Senator from West Virginia does not come in.

The PRESIDING OFFICER. That is the understanding.

The next amendment was in line 228, to strike out "one" and insert "two;" so as to read:

For the improvement of Cape Fear River, North Carolina, $200,000.

Mr. RANSOM. I hope this amendment will be adopted. The hours are flying too fast for me to talk about it, but I desire to say that it is recommended strongly by the engineers, more strongly than any other recommendation made in their report. It is estimated for in the estimates of the Secretary of War, and ought to be passed.

Mr. CONKLING. How much is it?

Mr. RANSOM. Two hundred thousand dollars. It is all we get in North Carolina. It is the only cent we ask for, and this is necessary for the improvement of that river.

Mr. DAVIS. That increases the amount $100,000.

Mr. RANSOM. Only $100,000. I hate to detain the Senate, but allow me to read what the engineers say.

Mr. OGLESBY. State what they say.

Mr. RANSOM. That it is a great national work and promises a great deal. And a little liberality is the very best economy in the case.

The amendment was concurred in; ayes 28, noes not counted.

The next amendment made in Committee of the Whole was to insert on page 10:

For the improvement of the Appomattox River, Virginia, $30,000.

Mr. JOHNSTON. I hope that amendment will be kept in. This is quite an important improvement. There is a considerable trade there, which pays a large internal-revenue tax. This improvement has been commenced and is among the estimates. I trust the Senate will leave it in.

Mr. EDMUNDS. I hope they will. I remember that is a very important river. I think I have heard of Appomattox before. I think we ought to leave it in.

Mr. SHERMAN. That was Appomattox Court House.

The amendment was concurred in; ayes 22, noes not counted.

The next amendment was on page 11, after line 256, to insert:

For a harbor at Port Jefferson, New York, $15,000.

Mr. THURMAN. What? Read that again.

The amendment was again read.

Mr. CONKLING. The Senator from Ohio seems hard of hearing when this is mentioned; but if I thought I could do so without injuring the measure, I would like to say to him that this is one of two amendments, the other for $20,000, which have been admitted by the Senate upon the bill, in the State of New York. This amendment I moved because there is work there in condition for repair. The engineers say there should be $35,000 expended upon it this year. Petitions have been presented here for it signed by people in great numbers. It is an important work and it ought not to be discarded from the bill.

Mr. THURMAN. I never in the world could resist an appeal made by my friend from New York in a good, kind, amiable manner. I hope the amendment will be adopted.

Mr. CONKLING. Thank you.

Mr. PEASE. I would like to inquire whether this has been reported by any committee?

Mr. CONKLING. This has been referred to the Committee on Commerce and reported as much as any amendment by that committee, the committee reporting them all back, those that have been adopted and those that have not, without recommendation, that report being made when the tax bill had failed and the committee did not feel at liberty to recommend even the passage of the bill, and did not recommend it. This is recommended by the engineers in the strongest terms. It is in the estimates and has every badge of regularity that any amendment has which the Senate has adopted to-night.

The amendment was concurred in, there being on a division—ayes 34, noes 4.

The next amendment was to insert:

For Rondout Harbor, New York, $20,000.

Mr. FENTON. This is the other amendment to which my colleague referred, and I hope the Senate will adopt it.

The amendment was concurred in.

The next amendment was on page 12, line 264, to strike out "20" and insert "60;" so as to make the clause read:

For the improvement of the breakwater at Block Island, Rhode Island, $60,000.

Mr. SPRAGUE. My colleague has the report of the engineers in support of that amendment but he is absent.

Mr. EDMUNDS. That is right; let Block Island have it.

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

Mr. SPRAGUE. I will have my colleague sent for.

Mr. EDMUNDS. I think if we take the question again the amendment will be adopted. Block Island is really an important point to all the commerce of the country.

Mr. SPRAGUE. I hope it will be adopted.

The amendment was concurred in.

Mr. GORDON. The amendment which I offered for the removing of a dry-dock in the south channel of the Savannah River was not a reserved amendment. It was offered in the Senate, and it has since been stricken out. I am satisfied it was done inadvertently.

The PRESIDING OFFICER. It was stricken out in the Senate.

Mr. HOWE and Mr. SHERMAN. Go on with the next amendment.

Mr. CHANDLER. I ask for a division on the Block Island amendment. ["Too late!"]

Mr. CHANDLER. No, sir; I called for it before the vote was announced.

The PRESIDING OFFICER. The Senator states that he called for it before the result was announced.

Mr. CHANDLER. I believe that is more than what is wanted.

The question being again put, there were on a division—ayes 27, noes 10.

So the amendment was concurred in.

The next amendment was to insert after line 266, page 12, the following:

For removing obstructions from the Big South Fork of Cumberland River, $5,000.

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

Mr. McCREERY. I do hope that this will not be hastily stricken from the bill. I have a little testimony here in favor of that work, [holding up a large volume.]

Mr. EDMUNDS. Let us hear it read. [Laughter.]

Mr. CONKLING. Read it by its title.

Mr. McCREERY. Very well; I will send it to the Clerk and have it read.

Mr. CHANDLER. This and the next amendments were adopted without being referred to the committee. I believe neither of them would have stood the point of order for a second; but after I yielded the point of order a great many things came in that really could not have made their appearance.

The amendment was concurred in; there being on a division—ayes 30, noes 15.

The next amendment was to insert after line 272, on page 12:

For removing obstructions in Rockcastle River, in Kentucky, from its mouth to the Narrows, $5,000.

The amendment was concurred in; there being on a division—ayes 29, noes 15.

The next amendment made as in Committee of the Whole was to insert after line 308, page 13:

For the construction of a canal connecting the waters of the Coquille River, in Oregon, with the head-waters of Isthmus Slough, an arm of Coos Bay, Pacific Ocean, $50,000.

Mr. MITCHELL. I hope this amendment will be agreed to. I will state that it is recommended very strongly by the Engineer Department. The improvement is a considerable one, and will cost some $222,000. The Engineer Department recommend an appropriation at this time of $100,000. I have been modest, and have only asked $50,000. I hope it will be granted. I have a letter from the Secretary of War and also from the Chief of Engineers on the subject.

Mr. STEWART. Is the work done?

Mr. MITCHELL. We have it commenced.

Mr. STEWART. Have the surveys been made?

Mr. MITCHELL. The surveys have been made. The report of the engineers shows it is right.

The question being put, there were on a division—ayes 20, noes 21.

Mr. SHERMAN. Where is this canal?

Mr. MITCHELL. It is a canal connecting the waters of the Coquille River, in Oregon, with the Pacific Ocean. I call for the yeas and nays. ["No," "no."] Then I ask for another division. This is recommended strongly by the Engineer Department. The estimate is here; it is for over $220,000.

The question being again put, there were on a division—ayes 17, noes 23.

So the amendment was non-concurred in.

The next amendment made as in Committee of the Whole was to insert:

For the purpose of continuing the dredging of the Potomac River and removing certain dangerous rocks in the harbor of Georgetown, $30,000.

The amendment was non-concurred in.

The next amendment made as in Comimttee of the Whole was to insert:

For the improvement of the harbor of Leonardtown and Britton's Bay, Maryland, $20,000.

Mr. HAMILTON, of Maryland. Allow me to call the attention of the Senate to that appropriation for one minute. It is in Saint Mary's County, Maryland, and if there is a county in the United States of America that is distinguished it is that county.

Mr. EDMUNDS. For what?

Mr. HAMILTON, of Maryland. For everything, especially for civil and religious liberty. [Laughter.] It was the first settlement in Maryland. It is upon the Potomac River, and the river is three miles wide there. If there is a point anywhere in the State upon that great river it is that point that ought to have an appropriation. It is the only appropriation for the peninsula of Maryland or that that peninsula has received for years, and it may be all it will receive for years to come, for they have never asked anything hitherto. Impoverished and ruined and bankrupt, they can do nothing for themselves; for when they could do for themselves, they were not here in Congress for you to do it for them. You may defeat it; you may have other appropriations in this bill; but if you were personally cognizant of the condition of things there as we are, I am sure a vote would not be given against it.

Mr. CONKLING. What is the amount of the appropriation?

Mr. HAMILTON, of Maryland. Twenty thousand dollars, and that is the medium estimate of the Department. One is $30,000, and the other is $13,000. Now you may take either. If you are not satisfied with $20,000, give us the lowest, $13,000.

Mr. CHANDLER. There is nothing to recommend it. It will give so many feet in length and so many feet in width, but there is no recommendation for it.

The amendment was non-concurred in.

The next amendment made as in Committee of the Whole was after line 315, page 14, to insert:

For removal of snags, stumps, and overhanging limbs in Yam Hill River, Oregon, $5,000.

Mr. MITCHELL. I ask for a division, and I will state again that this is recommended in the strongest terms by the Engineer Department. A survey was ordered at the last session of Congress, and the estimates have been made. They present two estimates. One reads as follows:

Removal of snags, stumps, and overhanging limbs	$5,000
Cutting through rock at several points, already enumerated, and widening the river at the same	50,000
Construction of lock and dam	150,000
Contingencies	1,500
Engineering, superintendence, and office work	15,000
Estimate for detailed surveys and drawings	1,000
	222,500

The amendment was concurred in—ayes 35, noes not counted.

The next amendment made as in Committee of the Whole was to insert after line 325, on page 14, the following:

For removing obstructions in the mouth of the San Jacinto River, Texas, $7,500.

Mr. FLANAGAN. I dislike to say anything that will require five minutes' attention; but I must beg to read the report here from the engineer on that subject:

GALVESTON, TEXAS, *January* 31, 1875.

SIR: In pursuance with your instructions contained in your letter of 19th instant, I have the honor to make the following report:

I have conferred with those principally interested in the navigation of the locality where the obstructions in the channel of the San Jacinto River are located, and have furthermore made a personal examination of the situation with a view to the completion of such information as is necessary to arrive at a perfect understanding of the cause.

The obstructions were placed in the river by the confederates during the late war, to prevent the Federal gun-boats from ascending the San Jacinto River, and prove at present to be a very great obstacle to the commerce depending upon the navigation of this locality, besides materially impairing the navigableness of the river above them, through causing the sedimentary material borne by the San Jacinto River during periods of high water to deposit in the channel above.

Lying directly across the channel of the river at a point where the course changes from south to east, the deflection of the current has caused a very great increase in the acuteness of the angle existing in the channel at this point, and thereby increasing the difficulties attending the passage of the obstructions. The rapidly increasing importance of the commerce between Galveston and the interior of Texas, which passes this obstruction, points the necessity of removing this obstacle to navigation at as early a date as possible, and before the difficulties of removal are increased by the addition of wrecks resulting from vessels being stranded upon them.

At present the value of the commerce which passes these obstructions each year exceeds $15,000,000, exclusive of the value of the vessels, (see letter annexed,) and it is possible that a single disaster resulting from a collision with these obstacles would greatly exceed the cost of their removal.

The obstruction consists of flats and scows filled with shells and sunk, one upon another, till the surface of the water is reached at low tide, and are further secured in position by piles driven at intervals of four feet.

The whole length of the obstruction does not exceed five hundred feet; and it is believed that the work of removal when done by contract will not exceed fifteen dollars per running foot, or $7,500 for the work.

If the Government dredge, now at Galveston, could be used by the contractor, the work might be done for a little less, say $6,000.

The obstructions are located about two miles from Clopper's Bar light-house, and in the collection district of Galveston, Texas.

Very respectfully, your obedient servant,

JAMES B. QUINN,
First Lieutenant United States Engineers.

Captain C. W. HOWELL,
Corps of Engineers, United States Army.

This is very meritorious, and most assuredly it ought to pass.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 340, on page 15, to insert:

For the continuation of the improvement of Cypress Bayou in Texas, $50,000.

Mr. FLANAGAN. I will remark in that case that the amendment is certainly very meritorious. It has been regularly surveyed, and there is a report here recommending an appropriation—it is not now before me—of about $313,000 to complete entire the necessary improvements. I, however, waive that, and ask an appropriation now to continue the work.

Mr. CONKLING. May I make an inquiry of the Senator?

Mr. FLANAGAN. Certainly.

Mr. CONKLING. Will he tell how much there is in this bill for Texas and how much for new works in Texas?

Mr. FLANAGAN. There is not $50,000 for new works. There is $150,000 appropriated for Galveston. There ought to have been at least half a million. There are some small items, but very few and very small, for a very extended coast, where there is great commerce of vast importance. From this point, Jefferson, Texas, there are about seventy-five thousand bales of cotton shipped. There is nothing more meritorious, I assure the Senate.

The question being put, a division was called for; and the ayes were 15.

Mr. FLANAGAN. I must ask for the yeas and nays on that. I must be excused and permitted to do that. I want to do it to show at home that I have discharged my duty.

The yeas and nays were not ordered.

The amendment was not concurred in; there being on a division—ayes 18, noes 23.

Mr. FLANAGAN. I must ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are called for. Is the call sustained?

Mr. CONKLING. There was a call, but it was not sustained.

The PRESIDING OFFICER. Business has intervened.

Mr. FLANAGAN. I wish the yeas and nays particularly.

Mr. EDMUNDS. I hope we shall give the Senator the yeas and nays. ["O no!"]

Mr. SARGENT. I want to call the Senate's attention to the lapse of time. We must get at the deficiency bill very soon.

Mr. FLANAGAN. That is all very well. This I am directly interested in.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The Chair will count the Senate again.

The amendment was not concurred in—ayes 13, noes 24.

The next amendment made as in Committee of the Whole was to insert:

To explore and clear out the obstructions and mill-dams in Owl Creek, Ohio, $500.

The amendment was not concurred in.

The next amendment made in Committee of the Whole was on page 15, line 344, to strike out "15" and insert "35;" so as to increase to $35,000 the appropriation "for the improvement of the harbor and river at Saint Joseph's, Michigan."

The amendment was not concurred in.

The next amendment was after line 368, on page 16, to insert:

For completing the survey and estimates of the route from the mouth of the Youghiogheny River to continue the slack-water navigation up said river to its headwaters at the foot of the Alleghany Mountains, thence by canal to Cumberland, intersecting there the Chesapeake and Ohio Canal, $10,000.

Mr. SCOTT. That is an amendment in which three States—Maryland, West Virginia, and Pennsylvania—are interested. It is but a very small amount, $10,000, to complete a survey already partially made and recommended by the engineers.

Mr. EDMUNDS. It ought to have six votes then, three States. [Laughter.]

The question being put, there were on a division—ayes 17, noes 17; no quorum voting.

Mr. SCOTT. This is the only amendment offered in which my State is interested. We had a very eloquent appeal made a few moments ago that the great State of New York only had two amendments covering about $50,000. This is only $10,000, and my State is interested in it as well as other States, and I trust the Senate will not refuse to concur in the amendment.

The amendment was concurred in; there being on a division—ayes 31, noes 8.

Mr. FERRY, of Michigan. I ask unanimous consent of the Senate to make a statement in the case of the harbor of Saint Joseph. I was occupying the chair and of course could not explain it. The engineers have recommended $42,000 for the improvement of that harbor. The committee have reported only $15,000, and the amendment adopted in Committee of the Whole was $35,000 instead of $42,000. Fifteen thousand dollars is insufficient to remove the obstructions to the harbor, and would be valueless so far as making it accessible. It is the only increase in the State of Michigan, the others having been rejected while I was in the chair, and I ask out of courtesy—I ask it as a right, not as a courtesy—I ask upon the merits of the case that the matter be reopened and the vote again taken. It is the only increase. There were three, and the others were rejected. The committee reported $15,000, which will not accomplish the object. The amendment passed in committee increased it to $35,000.

Mr. SHERMAN. I feel bound to say that I did not know the Senator occupying the chair had offered the amendment or I would not have opposed it.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on reconsidering the vote by which the amendment appropriating $35,000 for the improvement of the harbor of Saint Joseph was non-concurred in.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question now is, will the Senate concur in the amendment made as in Committee of the Whole?

The amendment was concurred in.

Mr. BAYARD. I ask the Senate to reconsider the vote by which they rejected the amendment offered by me for the construction of additional piers in the ice-harbor at New Castle, Delaware. This is a very small matter in comparison with the magnificent sums which have been voted this evening. It asks but $20,000 to build an additional ice-break. I will simply say that the commerce of the entire Atlantic coast is interested in this harbor; but the statistics of the commerce of the Delaware I cannot give precisely. I can say that it is one of the most important estuaries on our coast. This ice-harbor is midway between Philadelphia and the capes. By a single tide vessels reach the ice-harbor, and a second tide carries them to Philadelphia. They must have some place to pause between the two points and procure safety. If this ice-harbor is continued as it has been projected, this protection will be afforded. I have not asked a large appropriation, but I hold in my hand the report of the officer of engineers and also I think I have a right to say I have the approval of the Committee on Commerce on this subject. The chairman of the Committee on Commerce has reported for the last three years sums sufficient to put a single pier year by year in this harbor, but on this occasion he reported nothing favorably, but simply left the Senate to its judgment. In the tide of negation and affirmation that struck to and fro across the Senate this amendment was lost. I now ask that the vote by which it was lost be reconsidered, in order that the Senate may make this small appropriation.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The question is on the motion of the Senator from Delaware to reconsider the vote by which the amendment was non-concurred in.

The motion to reconsider was agreed to.

Mr. BAYARD. Now I ask that the amendment be adopted.

The PRESIDING OFFICER. The Secretary will report the amendment.

The CHIEF CLERK. After line 113 it is proposed to insert:

For the construction of an additional pier in the ice-harbor at New Castle, Delaware, $20,000.

The amendment was concurred in.

Mr. BAYARD. The Senate as in Committee of the Whole appropriated $50,000 for the continuation of the construction of the United States harbor at Lewes, Delaware. The Senate have non-concurred in that amendment. This is a pier upon which the Government has expended about $200,000, there being a continuous line of railway to that point, which is directly upon the Atlantic Ocean. The pier has been built with great skill and promises to be of enormous service to the Government as a depot and coaling station to supply our vessels of war more than two hundred miles in their exit and entrance to this harbor. An appropriation is recommended by the Department of one hundred and seventy-odd thousand dollars to complete it. I will not detain the Senate by reading the recommendation of the engineer-in-chief, but I will only say that this pier is immediately opposite the breakwater. Behind that breakwater sometimes from three hundred to five hundred sail of vessels find shelter and perfect safety in the course of one hour. As soon as a storm abates they are enabled to go to sea. This pier is an adjunct to the breakwater. It enables vessels to discharge their cargo; it enables them to have access by telegraph and steam with all parts of the country; and on every score it is a work to be encouraged. It has been built with great skill under the charge of Captain Brown, of the Engineer Department. The appropriation which he asks, under Colonel Kurtz, who is the engineer-in-chief in charge at Philadelphia, is much larger than I propose that Congress at this time should make. I have asked an appropriation of $50,000 to continue this pier, and I trust the Senate will see its moderation. It is less than one-third of the amount recommended by the engineers. I therefore ask that there may be a reconsideration of the vote by which that amendment was rejected by the Senate, and that it may be now approved by the Senate.

Mr. SAULSBURY. I wish to supplement what my colleague has said by saying that I myself stood on that pier last September when a storm was approaching and saw vessels coming from the Atlantic into that harbor. During the morning that I was there not less than one hundred and fifty to two hundred vessels came into that harbor for protection. I have in my possession a letter from one of the directors of the railroad running to that point who writes me that during this present winter, during the severe freezing spell, the steam-vessels got their coal there, and they were engaged in running special trains of coal-cars from Philadelphia to that point to supply vessels running into that harbor. The wooden pier connected with the railroad he states came very near being carried away, and if it had been so it would have been utterly impossible to have supplied the vessels with coal, because they could not do so with this pier which is not sufficiently finished to have communication with the vessels. The design of the Government is to construct the pier to twenty-six feet of of water. It is now constructed out to about seventeen feet of water and over. As this is a Government work, I hope that the views of my colleague will be carried out in support of this appropriation.

Mr. OGLESBY. What is the breadth of the pier?

Mr. SAULSBURY. I think the point at which they are now is where the railroad approaches the widest point away from the landing, where of course the railroad must be. It is in the neighborhood of fifty feet at that point.

Mr. BAYARD. Do you ask the length of the pier or the width?

Mr. OGLESBY. The width.

Mr. BAYARD. I suppose it is about fifty feet wide.

Mr. OGLESBY. How far has it gone now?

Mr. BAYARD. About one thousand feet from the main shore.

Mr. SAULSBURY. And it goes out to seventeen feet or eighteen feet depth of water, the design being to put it out to twenty-six feet.

Mr. CHANDLER. The Senator from Delaware is no doubt perfectly correct, but there is an appropriation already contained in the bill of $15,000. I am not as conversant with that as with the ice pier. My impression was that $15,000 would keep this whole pier in repair, and that they could wait another year. I think so yet.

The PRESIDING OFFICER. The question is on reconsidering the vote by which the Senate non-concurred in the amendment inserting—

For the continuation of the construction of the United States harbor at Lewes, Delaware, $50,000.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question is on concurring in the amendment.

The amendment was concurred in.

Mr. PATTERSON. I move to reconsider the vote by which the appropriation for Charleston Harbor was non-concurred in, and I will then move to reduce the appropriation to $50,000.

Mr. CLAYTON. How much was it before?

Mr. PATTERSON. One hundred thousand dollars. I propose to reduce it to $50,000. In regard to this appropriation I would like to make a statement. The city of Charleston last year spent $50,000 in keeping up this harbor themselves. They found it was not sufficient, and they are not able to keep it up. The Chamber of Commerce of Cincinnati recommend that it should be done. We are making a connection with the West, and the West are interested in the matter. The city of Charleston is not able to do it; and I do think it is justice, when so much money is being appropriated to all the States and other ports and harbors, that we should get a little. I hope the Senate will make this appropriation.

Mr. CHANDLER. I think we could save time by reconsidering the votes by which all these amendments were rejected, and that will bring them all back.

Mr. PATTERSON. I hope the Senator will not object. This is the first thing South Carolina has asked this whole winter. Other amendments have been reconsidered. I hope the Senate will be in good humor and let this be reconsidered too.

Mr. CHANDLER. I do not object. I simply meant that we should save time. We only have now twenty-five minutes for this bill; for another committee will want to take possession of the floor at the end of that time.

The PRESIDING OFFICER. The question is on the motion to reconsider the vote non-concurring in the amendment appropriating $100,000 for the improvement of the harbor at Charleston, South Carolina.

The motion to reconsider was agreed to.

Mr. PATTERSON. I now move to reduce the amount to $50,000.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on concurring in the amendment as amended.

The amendment, as amended, was concurred in.

Mr. ALCORN. I send an amendment to the desk which I ask may be read.

The PRESIDING OFFICER. Is this a new amendment?

Mr. ALCORN. No, sir; it was referred yesterday. It is not a new amendment.

The PRESIDING OFFICER. The reserved amendments must first be concurred in. The next reserved amendment will be read.

The next amendment was after line 18 of section 2, on page 16, to insert:

Mouth of Nehalem River, Oregon.
Alsea River and Bar, Oregon.
For examination for a route for a canal sufficient to allow the passage, at ordinary high tide, of steamers drawing ten feet, connecting the waters of Shoalwater Bay with the waters of Columbia River: *Provided*, That no more than $500 shall be expended in making such survey and estimate.

The amendment was concurred in.

The next amendment was to insert after line 38 of section 2 the following:

Harbor at Matinicus Island, Maine.

Mr. HAMLIN. Let me say that the island of Matinicus is the outer island of the coast of Maine, being out about twenty miles, by which all the commerce of the country passes. We propose the survey of the harbor, which is a harbor of refuge which is more valuable than any harbor north of Boston. This amendment makes no appropriation.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to insert:

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

The amendment was non-concurred in.

The next amendment was to insert:

Survey of Potomac River above Georgetown, for the purpose of removing the rocks known as the Three Sisters, and other obstructions.

The amendment was non-concurred in.

The next amendment was to insert:

For the improvement of Cambridge Harbor, Maryland, $5,000.

The amendment was non-concurred in.

The next amendment was to insert:

For survey of Patapsco River, from Spring Garden to Elkridge Landing.

The amendment was non-concurred in.

The next amendment was to insert:

Saint Louis and Saint Croix Rivers, to ascertain the practicability of constructing a canal between these rivers.

The amendment was non-concurred in.

The next amendment was to insert at the end of section 2:

And of the Raritan River, from Staten Island to New Brunswick.

The amendment was non-concurred in.

The next amendment was to insert:

For the improvement of the harbor at Edenton, North Carolina, $10,000.
Survey the Pungo River and Alligator River, and a line between the same, with a view to connect the waters of these two streams.
Survey a line between the Neuse and Cape Fear Rivers, in North Carolina, with a view to connect the waters of the same; and a like line, with a view to connect the waters of Norfolk Harbor, in Virginia, with the waters of the Cape Fear River at or near Wilmington, North Carolina.

Mr. MERRIMON. It only asks a survey, which will cost a very small amount of money.

Mr. RANSOM. It is a very important survey.

The amendment was concurred in.

Mr. BOREMAN. I understand that while I was absent a short time since the amendment appropriating $25,000 for the improvement of the Little Kanawha was under consideration and was laid aside until I should return. I should like to have that matter passed upon.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. The Senate, as in Committee of the Whole, inserted after line 228:

For the improvement of the Little Kanawha River, $25,000.

Mr. BOREMAN. To show that there is some merit in this proposition, I will state that the river has been improved some forty-odd miles after the expenditure of nearly $200,000 by the city and county in which I live and other counties along the line and by individuals. This is to extend the appropriation. The river has been surveyed, and the engineer's estimate is here, which I will not trouble the Senate by reading. The estimate for the improvement is a great deal larger than this sum. This is for the extension of the improvement of that river, which has been commenced and prosecuted to the extent I have mentioned forty-odd miles, and it is a meritorious work. I think the propriety of it must be manifest.

Mr. DAVIS. This is the last request probably that my colleague will make, and I hope it will be granted. The river passes his town.

Mr. CHANDLER. The engineers say "this sum of $7,300"——

Mr. DAVIS. That is not the river at all. The Senator is mistaken. He is reading about another river.

Mr. CHANDLER. If that is not it, there is no estimate for this. I had supposed there was an estimate. If this is not it, there is no estimate.

Mr. BOREMAN. There has been a survey and estimate. I have the document here, but it is not necessary to read it.

The PRESIDING OFFICER. The question is on concurring in the amendment.

The amendment was concurred in; there being on a division—ayes 23, noes 15.

MR. HAMILTON, of Maryland. In my absence the amendment for the Potomac River was passed over. In justice to myself, having offered that amendment, it may be proper for me to state that that appropriation is earnestly recommended by the Engineer Department for the coming year. It is not necessary to turn the attention of Senators to the condition of the Potomac River from Alexandria to Georgetown. There are a million of tons of coal besides a large amount of merchandise of all kinds, flour, &c., going from Georgetown to the East and all parts of the country. All Senators know as much about this matter as I do, and that it is important that the river just in front of this city should be to some extent attended to. For the purpose of showing that I acted upon authority, I will read from the report of the engineers:

Fifty thousand dollars will be required, and its appropriation is urged to continue dredging to remove the chain of rocks in the harbor of Georgetown.

This is all I have to say about this matter.

Mr. STEWART. If there are any more amendments, I feel bound to move to lay the bill on the table and call for the yeas and nays. We must come to a stop. The business of the session cannot be gone through with if this bill is to be kept here in this way.

Mr. GORDON. I ask that a correction be made. The Senate by misapprehension struck out some amendments in regard to Georgia.

Mr. SARGENT. It is no use to put anything on. I consider the bill lost. We are only fooling away our time. We had better lay this bill aside and take up the deficiency bill. In fifteen minutes longer the bill is good for nothing. I doubt if it is good for anything now.

Mr. WINDOM. If we close the bill now, I am informed by the chairman of the Committee on Commerce of the House that there is a possibility of their getting through with it; but if it runs any considerable time longer it cannot be done.

Mr. ALCORN. There is an amendment that I desire to call attention to.

Mr. STEWART. I move to lay the bill on the table.

Mr. WINDOM. We can get through before you have the yeas and nays on that motion.

Mr. GORDON. I do not want to say anything except this: The amendments for the Georgia rivers which I offered were rejected by mistake when the bill was reported to the Senate. I move that the amendments be restored.

The PRESIDING OFFICER. The Secretary will report the amendments of the Senator from Georgia.

Mr. HOWE. Is that motion in order?

The PRESIDING OFFICER. The Senator from Georgia can move to reconsider the vote by which the amendments were rejected. Does the Senator from Georgia move to reconsider?

Mr. GORDON. I do move to reconsider the vote by which the amendments were non-concurred in. The Senate struck the amendments out by mistake after they were put on.

The question being put on the motion to reconsider, there were on a division—ayes 16, noes 16; no quorum voting.

Mr. CHANDLER. We may as well have the yeas and nays or lay the bill on the table. It is immaterial which. I move to lay the bill on the table.

Mr. GORDON. I yield. I have yielded all night. I was not the first one to ask a reconsideration, but under the indications I withdraw my proposition.

Mr. ALCORN. I have an amendment to offer.

The PRESIDING OFFICER. What is the amendment?

Mr. ALCORN. In regard to a survey of the Mississippi River.

Mr. STEWART. It has been read several times.

The PRESIDING OFFICER. The amendment will be reported.

The Secretary read as follows:

SEC. —. That the Secretary of War be, and he is hereby, authorized and required to cause to be made and reported, as soon as practicable, such explorations, surveys, and drawings as may be necessary for the location, design, and execution of a complete system of levees for the reclamation of the delta of the Mississippi between Cairo and the Balize, as recommended by the commission of engineers appointed under the act of Congress approved June 22, 1874, "to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississppi River subject to inundation."

SEC. —. That, to facilitate this work, the said Secretary may employ for this service, as assistants to the engineers of the Army, three civil engineers eminent in their profession, who are acquainted with the alluvial basin of the Mississippi River, at a salary of not more than $5,000 per annum; and the civil engineers so employed from civil life, together with those appointed from the Army corps, shall be organized, under the direction of said Secretary, as a board of engineers for the performance of this work; and to defray the expenses of said work, the sum of $160,000, or so much thereof as may be necessary, shall be appropriated, subject to disbursement by the Secretary of War, as may, from time to time, be necessary, to carry out the design of this act.

Mr. ALCORN. I hope this amendment will prevail. The board of engineers recommends it; the Secretary of War recommends it. As a scientific work it is necessary. It is preparatory to the construction of levees. It appropriates $165,000. The work has already begun; Congress has already appropriated some money to this survey.

There has never yet been a scientific survey of the Mississippi. I trust the amendment will be adopted.

Mr. CLAYTON. Whenever a proposition is brought up here as to the levees of the Mississippi River, the question is raised as to what the work will cost. Senators say it will cost this sum and that sum and another sum. Now it seems to me that if anything is to be done we should ascertain by a systematic and thorough survey what is the character of this work and what it will cost if it shall be undertaken, so that in the future when the question shall come up, as it must come, we shall have some data upon which either to do nothing or to act. I hope this amendment will be agreed to.

The question being put, there were on a division—ayes 21, noes 19.

Mr. CHANDLER. I call for the yeas and nays. This is $165,000 for a survey. We have had a committee of this body surveying for years and the engineers surveying. I know of no necessity for the expenditure of $165,000 at this time for a survey. I call for the yeas and nays.

Mr. ALCORN. There has never been any survey.

The yeas and nays were ordered.

Mr. ANTHONY. Do I understand that this makes an appropriation of $160,000 for a survey?

The PRESIDING OFFICER. That is the amendment.

The question being taken by yeas and nays, resulted—yeas 15, nays 32; as follows:

YEAS—Messrs. Alcorn, Bogy, Boreman, Clayton, Davis, Dorsey, Ferry of Michigan, Flanagan, Goldthwaite, Johnston, Mitchell, Oglesby, Pease, Spencer, and West—15.

NAYS—Messrs. Allison, Anthony, Bayard, Boutwell, Chandler, Conkling, Cragin, Dennis, Eaton, Fenton, Frelinghuysen, Hamilton of Maryland, Hamilton of Texas, Hamlin, Howe, Jones, Logan, McCreery, Merrimon, Pratt, Sargent, Saulsbury, Schurz, Scott, Sherman, Sprague, Stevenson, Stewart, Thurman, Wadleigh, Washburn, and Wright—32.

ABSENT—Messrs. Brownlow, Cameron, Carpenter, Conover, Cooper, Edmunds, Ferry of Connecticut, Gilbert, Gordon, Hager, Harvey, Hitchcock, Ingalls, Kelly, Lewis, Morrill of Maine, Morrill of Vermont, Morton, Norwood, Patterson, Ramsey, Ransom, Robertson, Stockton, Tipton, and Windom—26.

So the amendment was rejected.

Mr. ALCORN. I offer another amendment.

Mr. ALLISON. If any further amendments are offered I shall move to lay the bill on the table.

Mr. ALCORN. I shall offer none but this. It is to insert:

For the improvement and deepening of the mouth of Pascagoula River, in the State of Mississippi, as recommended by C. W. Howell, captain of engineers, United States Army, as submitted by the Secretary of War on the 24th of January, 1874, $30,000.

I wish to have the attention of the Senate for two minutes and a half on this proposition. Mississippi has not received an appropriation since 1859, I believe, from Congress. Her southern border is washed by the sea. She has many coasts, not one of which has ever been touched by an appropriation of Congress. At the mouth of Pascagoula there is an excellent harbor. At that place there are about sixty-two million feet of lumber shipped annually to all parts of the world. Perhaps that is a little extravagant; but to New York, to New Orleans, and across the ocean the lumber from Pascagoula Harbor goes. The State of Mississippi in its poverty, despairing of any appropriation by the Government, has appropriated $25,000 to improve that harbor. The citizens there have appropriated $5,000 more. We ask now that the Government of the United States shall share with us, not that she shall improve our harbors as she does the harbors elsewhere, not that she shall appropriate money there as she does elsewhere; we do not ask equality, but that you will simply share with us in our poverty and assist us in improving this one harbor. It is an important place, valuable to Mississippi, valuable to the whole country. The amendment is not offered for delay; it is offered upon its merits. The Secretary of War has recommended it. The survey has been made. He recommends a larger appropriation than I have asked and the citizens and the State have made an appropriation, and if you will give this I think we shall ask no more. It is only $30,000.

The amendment was agreed to.

Mr. BOUTWELL. I offer an amendment to come in after line 300; the amendment has been recommended by the engineers and approved by the Committee on Commerce:

For rebuilding the sea-wall at the Isle of Shoals, $50,000.

The amendment was agreed to.

Mr. RAMSEY. I rise to offer the last amendment I shall ever submit to a river and harbor bill. It is on the sixth page of the bill and in line 133. I would like the Senate to allow me to increase the appropriation for the Falls of Saint Anthony from $100,000 to $125,000 and to make $50,000 applicable to the upper river. That is all. It only adds $25,000 and makes a different distribution.

Mr. ALLISON. I hope there will be no objection to that.

Mr. CHANDLER. There is not the slightest objection now to any amendment being offered that is asked for. The time has gone by, and I move to lay the bill on the table. Unless there are other amendments to be offered, I move to lay the bill on the table.

Mr. ALLISON. I appeal to the Senator from Minnesota to withdraw his amendment and let us vote on the bill.

Mr. RAMSEY. A vote can be had in a minute.

Mr. DAVIS. Can we not pass the bill now?

Mr. RAMSEY. I withdraw the amendment at the request of my friends.

The PRESIDING OFFICER. The question is on ordering the amendments to be engrossed and the bill to be read the third time.

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

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. No. 4744) to punish certain larcenies and the receivers of stolen goods;

A bill (H. R. No. 3379) for the further security of navigation on the Mississippi River;

A bill (H. R. No. 3685) for the relief of George A. Schreiner;

A bill (H. R. No. 3504) to provide for deductions from the terms of sentence of United States prisoners;

A bill (H. R. No. 1995) to amend the act approved June 18, 1838, entitled "An act to require the judge of the district courts of East and West Tennessee to hold a court in Jackson, in said State;" and

A bill (H. R. No. 2073) restricting and prescribing certain regulations of the Treasury Department.

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

A bill (S. No. 524) to protect ornamental and other trees on Government reservations and on lands purchased by the United States, and for other purposes;

A bill (S. No. 807) for the relief of Washington Crosland;

A bill (S. No. 710) for the relief of E. Laws, chief engineer, United States Navy;

A bill (S. No. 878) for the relief of Rosa Vertner Jeffreys;

A bill (S. No. 28) to set apart a certain portion of the island of Mackinac, in the Straits of Mackinac, within the State of Michigan, as a national park; and

A bill (S. No. 608) granting the right of way through the public lands to construct and maintain a railroad.

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. 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;

A bill (H. R. No. 3379) for the further security of navigation on the Mississippi River;

A bill (H. R. No. 4744) to punish certain larcenies and the receivers of stolen goods;

A bill (H. R. No. 1995) to transfer the county of Perry, in the State of Tennessee, from the western to the middle judicial district of the United States in said State;

A bill (H. R. No. 3504) to provide for deductions from the terms of sentence of United States prisoners;

A bill (S. No. 786) for the relief of Samuel S. Potter;

A bill (S. No. 1339) to abolish the consulate at Amoor River and establish a consulate at Vladivostock, Russia, and for other purposes;

A bill (S. No. 1328) to amend sections 1675, 1676, 1681, and 1682 of the Revised Statutes of the United States;

A bill (H. R. No. 2080) to provide for deducting any debt due the United States from any judgment recovered against the United States by such debtor;

A bill (H. R. No. 4747) supplementary to the acts in relation to immigration;

A bill (H. R. No. 1593) relating to the punishment of the crime of manslaughter;

A bill (H. R. No. 4324) to change the name of the Second National Bank of Jamestown, New York;

A bill (H. R. No. 4833) to authorize the Secretary of the Treasury to adjust and remit certain taxes and penalties claimed to be due from mining and other corporations, and for other purposes; and

A bill (H. R. No. 3685) for the relief of George A. Schreiner.

ORDER OF BUSINESS.

Mr. SCOTT. In pursuance of the unanimous consent given that the Committee on Claims should have an hour after the passage of the river and harbor bill, I move now that the Senate proceed to the consideration of House bill No. 4692.

Mr. SARGENT. I must antagonize that with the deficiency bill. It is the last chance of passing it. The Senate can decide whether it desires to pass the deficiency bill or not. If it does not, we must abandon it.

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

The motion was not agreed to.

Mr. SARGENT. Now I move to take up the deficiency bill.

The motion was agreed to.

Mr. LOGAN, I ask the Senator from California to let House joint resolution No. 162 be passed.

Mr. SCOTT. I desire to say that the Senate having refused to carry out the unanimous consent given this morning to a committee which has had but one hour during the whole session, and upon which there is imposed as much labor as upon any other committee in the Senate, I think now I shall be justified in abandoning all hope of considering the bills from that committee. We have already thirty-two bills on the Calendar, two of them general appropriation bills having in appropriations for thirteen or fourteen hundred cases. After the refusal to carry out the unanimous consent given to-day, I shall now feel myself absolved that I have done all my duty and throw the responsibility upon the Senate for the failure of these bills.

Mr. SPENCER. I hope——

Mr. SARGENT. I call for the regular order.

Mr. THURMAN. I wish to say this: the moment the deficiency bill is disposed of I shall be in favor of granting the Committee on Claims the hour they ask.

Mr. CRAGIN. I wish to say that this morning the Committee on Naval Affairs was entitled to the morning hour, and I gave way with the express agreement and understanding that I should have fifteen minutes after these appropriation bills were disposed of. That was the first agreement made, and I shall insist upon it.

Mr. BAYARD. I will say that the manner in which the Committee on Claims have lost their place is not to be defended.

ARMY PAYMASTERS.

Mr. LOGAN. As I have to go out on a committee of conference I ask for the consideration of House joint resolution No. 162.

By unanimous consent the joint resolution (H. R. No. 162) explanatory of an act entitled "An act fixing the number of paymasters in the Army of the United States," approved March 2, 1875, was read twice, and considered as in Committee of the Whole. It declares the intent and meaning of an act entitled "An act fixing the number of paymasters in the Army of the United States," approved March 2, 1875, was to authorize the appointment of such additional number of paymasters with the rank of major as will make the total number of paymasters with the rank of major fifty, and no more; and so much of section 1194 of the Revised Statutes as applies to the Pay Department is repealed.

Mr. LOGAN. I move to amend by striking out "Pay Department" and inserting "paymasters with the rank of major."

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the resolution to be read a third time.

The joint resolution was read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. EDMUNDS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, having met, after full and free conference, have agreed to recommend, and do recommend to their respective Houses, as follows:

That the Senate recede from their amendments numbered 5, 15, 16, 17, 18, 20, 32, 33, 34, 35, 45, 79, and 85.

That the House recede from their disagreements to the amendments of the Senate numbered 1, 3, 10, 11, 12, 13, 19, 22, 23, 24, 25, 28, 30, 31, 36, 37, 38, 39, 40, 41, 42, 43, 44, 46, 53, 54, 55, 56, 57, 58, 61, 66, 72, 73, 74, 75, 76, 77, 78, 83, 84, 89, and 90.

That the House recede from its disagreement to the amendment numbered 8, and agree to the same with the following amendment: In lieu of the words proposed to be inserted, insert the words "thirty-six;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 9, with an amendment making the word "five" in line 14, page 4 of the bill, "six;" and the House agree to the same.

That the House recede from their disagreement to the amendment numbered 21, and agree to the same with an amendment, as follows: From the words proposed to be inserted strike out the word "four" and insert in lieu thereof the word "seven," and in lieu of the following word "seven" insert the word "five," and in lieu of the succeeding word "seventy" insert the word "ninety;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 27, and agree to the same with an amendment, as follows: At the end of the amended paragraph add the words " to be expended under the direction of the Secretary of the Treasury;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 59; and agree to the same with an amendment, as follows: Add at the end of said amendment the words "two assistant messengers at $720 each per annum;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 60, and agree to the same with an amendment, as follows: From the words proposed to be inserted strike out the word "three" and insert in lieu thereof the word "five;" strike out the following word "eight" and insert in lieu thereof the word "three;" and in line 8, page 43 of the bill, strike out "eight" and insert "twenty;" and the Senate agree to the same.

That the House recede from its disagreements to the amendments numbered 62, 63, 64, 65, and agree to the same with amendments, as follows, respectively: In lieu of the word proposed to be inserted by amendment 62 insert the word "eight," and in lieu of the word proposed to be inserted by amendment 63 insert the word "six," and in lieu of the word proposed to be inserted by amendment 64, insert the word "nine," and of the words proposed to be inserted by amendment 65 strike out the word "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 67, and agree to the same with amendments, as follows: Strike out of said amendment the word "ten" and insert in lieu thereof the word "two," and strike out the following word "six" and in lieu thereof insert the word "two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 68, and agree to the same with the following amendment: In lieu of the word "thirteen" of said amendment insert the word "eight;" and the Senate agree to the same.

That the House recede from its amendment to the amendment numbered 88 and from its disagreement to the same.

That the House recede from its disagreement to the amendment numbered 6, and agree to the same with an amendment, as follows: Strike from the words proposed to be inserted the words "three hundred;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 26, and agree to the same.

GEO. F. EDMUNDS,
JNO. J. INGALLS,
A. G. THURMAN,
Managers on the part of the Senate.

HORACE MAYNARD,
CHAS. O'NEILL,
J. C. ROBINSON,
Managers on the part of the House.

The report was concurred in.

FOX AND WISCONSIN RIVERS.

Mr. ALLISON. I call for the regular order.

Mr. HOWE. I want to appeal not only to the Senator from California but to the Senate for unanimous consent to do one thing. I hold in my hand a bill which has passed the House, but must be amended and go back to the House. It authorizes simply the expenditure of $25,000 of money already appropriated in obtaining the right of way. The Committee on Commerce has reported it favorably; the chairman of the Judiciary Committee consents to it; and now if the Senate will give me unanimous consent to consider this bill at the present time it can go to the House.

Mr. ALLISON. There will be ample time for that after we get through with the deficiency bill.

Mr. SARGENT. This appropriation bill must go through or fail for want of time. I call for the regular order.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the whole, proceeded to the consideration of the bill (H. R. No. 4851) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1875, and prior years, and for other purposes.

The Committee on Appropriations reported the bill with amendments. The first amendment was to insert the following clause after line 12, among the items for contingent expenses of the Senate:

For clerks to committees and pages, $8,000.
For labor, $15,000.
For folding documents, $3,000.
For horses and wagons, $500.

The amendment was agreed to.

The next amendment of the committee was on page 6 to insert the following clause after line 113:

That for the purpose of paying for the erection and furnishing of the new school building in the city of Georgetown, District of Columbia, and for putting the grounds in order, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,865, or so much thereof as may be necessary. The money hereby appropriated shall be disbursed under the supervision of the Commissioner of Education, and shall be regarded as a loan, to be hereafter taken into account between the Government of the United States and the District of Columbia.

The amendment was agreed to.

The next amendment was on page 6, to insert after line 29, the following proviso:

Provided, That the board of audit for the District of Columbia be, and they are hereby, directed to receive and audit the claim of William Bowen for abating certain nuisances under a contract with the board of health of said District for filling lots numbered 37, 38, 39, 42, and 43 in square numbered 545, and lots 1, 6, and 7 in square numbered 849, and parts of lots numbered 1 and 2 in square numbered 996, all in the city of Washington.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was to insert at the end of line 146:

The commissioners of the District of Columbia are authorized to cause to be constructed a fire-alarm telegraph in the cities of Washington and Georgetown, at a cost not to exceed $75,000, one-half to be paid out of the treasury of the District of Columbia; and $37,500 are hereby appropriated therefor, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was after line 146 to insert:

For the Washington Aqueduct: For building dwelling and office for gate-keeper at the reservoir, $3,000; for continuing the widening and macadamizing of roadway between the distributing reservoir and the Great Falls, $5,000.

The amendment was agreed to.

The next amendment was on page 8, line 180, to strike out after the word "dollars" the words "and thirty-eight," being a repetition.

The amendment was agreed to.

The next amendment was on page 9 to insert the following clause after line 199:

The Clerk of the House of Representatives is authorized to send until the 1st day of December, 1875, such public documents as are prescribed by law to be sent to the governors of States, under his written frank, free of charge, through the mails.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was on page 12, line 272, to increase the appropriations for the United States mint at San Francisco from $11,000 to $19,000.

The amendment was agreed to.

The next amendment was to insert after line 272:

For completion of refinery at new mint in San Francisco, $40,000.

The amendment was agreed to.

The next amendment was on page 12, line 279, to increase the appropriation for the fiscal year 1875 for contingent expenses of the United States mint at Carson from $50,000 to $79,000.

The amendment was agreed to.

The next amendment was to insert after line 291:

For legislative expenses of Wyoming Territory, namely: For stationery, rent, fuel, lights, and furniture, $1,000; for incidentals of secretary's office, $710; in all, $1,710.

The amendment was agreed to.

Mr. SARGENT. I ask that that amendment be transferred to page 11, after line 251. It has got in the wrong place by mistake.

The PRESIDING OFFICER. The transposition will be made.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was on page 15, to insert the following clause after line 332:

To enable the Secretary of the Treasury to adjust the "account of the expenditure for dies, paper, and stamps for the Internal Revenue Department" for the fiscal year ending June 30, 1874, a transfer on the books of the Treasury of such sum as may be necessary is hereby authorized: *Provided*, That the same shall not involve an actual expenditure of money from the Treasury.

The amendment was agreed to.

The next amendment was on page 16, to strike out the following words:

To pay Morgan Rawls, contestee, expenses case of Sloan *vs.* Rawls, first district of Georgia, $1,500.

Mr. SARGENT. Several items here relate to contestants and contestees in the other House. They had better go to a committee of conference, to be disposed of there. I want to know about each particular case before we agree to put them on, and about the principle of paying them anyhow.

The amendment was agreed to.

The PRESIDING OFFICER. The items from line 358 to 377 will all be regarded as struck out.

Mr. SARGENT. Yes, sir.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was on page 17, to insert after line 382 the following clause:

For the completion of the custom-house and post-office building at Portland, Oregon, as per deficiency estimate of Supervising Architect of the Treasury, $40,000.

The amendment was agreed to.

The next amendment was on page 17, to insert after line 391:

For repairs and fitting up of the old mint building for Government offices at San Francisco, $30,000.

The amendment was agreed to.

The next amendment was on page 17, after line 398 to insert:

For the erection of a building for storage and other purposes in connection with the custom-house at Newport, Rhode Island, $3,712.50.

The amendment was agreed to.

The next amendment was on page 19, to strike out the lines 144 to 148 in these words:

To pay the United States supervisors of the congressional election held in Philadelphia on the first Tuesday of November, 1874, the balance claimed by them, $22,155.

Mr. SCOTT. I understand that is an account which was adjusted at the Department, and not paid simply because of the failure of the law to provide an appropriation to pay it.

Mr. SARGENT. If the Senator is aware of these facts, I will not insist upon striking it out.

Mr. SCOTT. My information from the Representatives from Philadelphia is that the appropriation is a proper one and that these are the facts.

Mr. SARGENT. We withdraw the amendment, then, and let the item stand. This is the information we wanted.

The PRESIDING OFFICER. The amendment will be regarded as withdrawn.

Mr. SARGENT. On behalf of the committee I offer the following amendment, to come in after line 528:

For expenses of the observation and report of storms by telegraph and signal, for the benefit of commerce and agriculture throughout the United States; for manufacture, purchase, and repair of meteorological or other necessary instruments; for telegraphing reports; for expenses of storm-signals announcing probable approach and force of storms; for continuing the establishment and connection of stations at life-saving stations and light-houses; for instrument-shelters; for hire, furniture, and expenses of offices maintained for public use in cities or ports receiving reports; for river reports; for maps and bulletins, to be displayed in chambers of commerce and boards of trade rooms, and for distribution; for books and stationery, and for incidental expenses not otherwise provided for, $55,000.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was to strike out lines 540 to 542, inclusive, as follows:

To enable the Secretary of War to pay the adjusted account of the late firm of Dempsey & O'Toole, $588.66.

The amendment was agreed to.

The next amendment was on page 28 to insert the following clause after line 677:

That the Secretary of the Interior be, and is hereby, authorized, with the consent of the legislative council of the Choctaw Indians, to sell not exceeding $200,000 of their bonds now held in trust by him, and to pay over to the accredited agent of said Choctaw Indians, to be designated by the legislative council of said nation, the moneys arising from the proceeds of the sale of said bonds.

The amendment was agreed to.

The next amendment was on page 29 to insert after line 695:

For this amount, or so much thereof as may be necessary, for the subsistence and support of Northern Sioux Indians who have been collected on the Red Cloud and Whetstone agencies in Dakota, $162,000.

For this amount, or so much thereof as may be necessary, to meet certain liabilities incurred during the fiscal year ending June 30, 1875, in providing subsistence and supplies for the Navajo Indians in New Mexico, $17,354.50.

For subsistence of Apaches of Arizona, $175,000.

For this amount, to be applied in the payment of liabilities contracted on account of the service at the Malheur agency, Oregon, during the third and fourth quarters, 1873, as per statement of S. B. Parrish, late commissioner in charge, on file in the Indian Office, being a deficiency for the fiscal year, 1874, $16,000.

For this amount, to be applied in payment for goods, flour, grain, and beef purchased for the Indians located at the Malheur agency, Oregon, in the second quarter, 1874, and for transportation charges on the same, as per statement of Agent H. Linville, on file in the Indian Office, being a deficiency for the fiscal year 1874, $6,500.

The amendment was agreed to.

The next amendment was on page 29, to insert the following clause at the end of line 695:

For this amount, to be taken from the proceeds of the sales of the lands of the Great and Little Osage Indians, to be expended under the direction of the Secretary of the Interior for the support, subsistence, and aid of the said Indians, $75,000, or so much thereof as may be necessary.

The amendment was agreed to.

The reading of the bill was continued to the end of the third section. That section is as follows:

SEC. 3. To enable the Auditor of the Treasury for the Post-Office Department to close the appropriation accounts upon the books of his office for the fiscal year ended June 30, 1874, he is hereby authorized to transfer from such appropriation accounts upon the books of his office as show a credit balance, to accounts which show a debit balance, a sufficient amount in each case to balance the said appropriation accounts.

Mr. EDMUNDS. I should like just there to have the Senator in charge of this bill explain that method of book-keeping and how much authority that grants to the Treasury Department. It seems to me the broadest way of authorizing the Treasury Department to force a balance.

Mr. SARGENT. Does the Senator move to strike it out?

Mr. EDMUNDS. If it is in order, I will move to strike it out.

Mr. SARGENT. I see that it does not seem to be very well guarded. Many of these appropriations are made simply to balance accounts, taking no money from the Treasury. This I suppose has that object.

Mr. EDMUNDS. It has that object undoubtedly; the motive is good; but the method is perfectly wild, I submit to the Senate, and it might lead to vast abuse.

Mr. SARGENT. With the consent of the Senator, I will move that the section be struck out, and will see to it in committee of conference; or, if I am not on the committee, the chairman will.

The PRESIDING OFFICER. The Senator from California moves to strike out section 3 down to line 8.

The amendment was agreed to.

The next amendment was to strike out section 8, in the following words:

SEC. 8. The commissioners of the District of Columbia shall pay the salary of the surveyor of the District, at the rate of $2,000 per year, from the 20th of June, 1874, and $5,000, or so much thereof as is necessary, is hereby appropriated therefor.

The amendment was agreed to.

The next amendment was to insert as section 8 the following:

That the Secretary of State is authorized and directed to pay, out of any balance now remaining unexpended of the moneys appropriated in joint resolution approved February 14, 1873, entitled "Joint resolution to enable the people of the United States to participate in the advantages of the international exposition to be held at Vienna in 1873," the sum of $500 to each of the commissioners appointed under authority of said joint resolution, who, in addition to undertaking reports upon special subjects at said exposition, either served upon international juries or were detained in Vienna by reason of assisting in the arrangement of the American department of the exposition, or the performance of other duties imposed upon them by the State Department for a period of more than seventy-five days, as shown by the records on file in that Department.

Mr. EDMUNDS. That is a strange proceeding.

Mr. SARGENT. It is recommended to us by the Committee on Foreign Relations.

Mr. ALLISON. It has passed the Senate once.

Mr. SARGENT. The fact that it had passed the Senate influenced us in acceding to the strong demand that was made on us to do it.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. EDMUNDS. I think the committee should explain section 13.

Mr. SARGENT. It is made necessary by the passage of the tax bill. The section referred to reads as follows:

SEC. 13. That section 3309 of the Revised Statutes be so amended that the word "seventy," wherever it occurs in the same, shall be stricken out and the word "ninety" be substituted therefor.

We levy a tax of 90 cents on every proof gallon, consequently we have to require the assessment to be made at the rate of 90 cents.

Mr. EDMUNDS. This bill passed the House about two days before the tax bill passed.

Mr. SARGENT. No.

Mr. EDMUNDS. I think, in the absence of the Senator from Ohio, to increase this trouble about whisky is rather hard. [Laughter.]

The next amendment of the Committee on Appropriations was to add as a new section:

SEC. 14. That section 4 of the act of Congress entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, be, and the same is hereby, amended so as to substitute the word "June" for the word "March," and so as to provide that it shall be the duty of the collector of taxes to prepare a complete list of all taxes and property upon which the same are assessed in arrears on the 1st day of June, 1875, and he shall, within ten days thereafter, publish the same with a notice of sale in the regular issue of a daily newspaper published in said District, to be designated by the commissioners of the District, twice a week for two successive weeks, giving notice that if said taxes in arrears, together with the penalties and costs that may have accrued thereon, shall not be paid prior to the day named for sale, the property will be sold by said collector at public auction at the south front of the court-house on the 29th day of June, 1875, between the hours of ten o'clock a. m. and two o'clock p. m. of said day. Upon the day and at the place specified, as aforesaid, said collector shall proceed to sell any and all property upon which such taxes remain unpaid, and shall continue to sell the same from day to day thereafter between the hours aforesaid until all the property aforesaid shall have been brought to auction. Certificates of sale and conveyances shall be made to the purchasers at such sale in accordance with the provisions of an act of the Legislative Assembly, approved August 23, 1871, entitled "An act prescribing the duties of certain officers of the District of Columbia, and fixing their compensation," except that the deeds shall be executed by the commissioners of the District, or their successors in office, instead of the governor and secretary. Said sales shall be subject to the same privileges of redemption that are prescribed by said act of the Legislative Assembly, approved August 23, 1871. And on the 1st day of each succeeding month, after the passage of this act, and until such sale, there shall be added upon all such taxes remaining delinquent and unpaid a penalty of 1 per cent. upon the amount thereof to be collected with such taxes.

All acts or parts of acts in conflict with the foregoing provisions are hereby repealed.

The amendment was agreed to:

The next amendment was to add as an additional section the following:

SEC. 15. That hereafter the commissions of all officers under the direction and control of the Secretary of the Interior shall be made out and recorded in the Department of the Interior and the seal of the said Department affixed thereto, any laws to the contrary notwithstanding: *Provided*, That the said seal shall not be affixed to any such commission before the same shall have been signed by the President of the United States. And all commissions heretofore issued in conformity to the provisions of the third section of the act of the 31st of May, 1854, and all official acts done by officers thus commissioned, are hereby declared legal and valid.

Mr. EDMUNDS. I should like to know what that means.

Mr. SARGENT. The Revised Statutes changed the mode of commissioning officers in the Interior Department from the Secretary of the Interior to the Secretary of State. It makes confusion in reference to the validity of acts of these officers.

Mr. FRELINGHUYSEN. I have the statute here. This is just repeating the act of 1854. The Revised Statutes changed it and made it necessary that these officers should be commissioned by the Secretary of State. Without knowing it, these officers have been discharging their official duties, and this section recognizes their official acts done in the mean time and brings the law back to what it was in 1854.

Mr. EDMUNDS. But is it safe to declare that all their official acts shall be valid?

Mr. FRELINGHUYSEN. We are not declaring them valid. That is not the language.

Mr. EDMUNDS. That is the way it was read.

Mr. SARGENT. Let it be read and put in the proper language.

Mr. EDMUNDS. A great many official acts are valid but are wrongful. I merely make the suggestion. I do not wish to interfere.

Mr. FRELINGHUYSEN. I do not see that this language is incorrect.

The amendment was agreed to.

The next amendment was to insert as additional sections the following:

SEC. 16. That any Indian born in the United States, who is the head of a family or who has arrived at the age of twenty-one years, and who has abandoned, or may hereafter elect to abandon, his tribal relations, shall, on making satisfactory proof of such abandonment, under rules to be prescribed by the Secretary of the Interior, be entitled to the benefits of the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May 20, 1862, and the acts amendatory thereof, except that the provisions of the eighth section of the said act shall not be held to apply to entries made under this act: *Provided, however*, That the title to lands acquired by any Indian by virtue hereof shall be and remain inalienable, and shall not be encumbered for a period of five years from the date of the patent issued therefor: *And provided further*, That any transfer, alienation, or incumbrance whatever of said lands after the expiration of that period shall be void, unless upon the approval of the President of the United States first obtained.

SEC. 17. That in all cases in which Indians have been heretofore allowed to enter public lands under the homestead law, and have proceeded in accordance with the regulations prescribed by the Commissioner of the General Land-Office, as promulgated in his circular of April 1, 1870, or in which they may hereafter be allowed to so enter under said regulations prior to the promulgation of regulations to be established by the Secretary of the Interior under the first section of this act, and in which the conditions prescribed by law have been or may be complied with, the entries so allowed are hereby confirmed, and patents shall be issued thereon, subject to the restrictions and limitations contained in the first section of this act in regard to alienation and incumbrance.

SEC. 18. That any Indian who shall make application to enter lands under the provisions of this act shall, at the time of making such application, file with the register and the receiver of the proper United States land office a declaration, under oath, that it is *bona fide* his intention to become a citizen of the United States; that he abjures forever all allegiance and fidelity to the tribe of which he is a member; and that he will support the Constitution of the United States, and hold himself amenable to all laws passed in accordance therewith; and, after the expiration of five years, such Indian, on making proof of his compliance with the law in relation to his homestead entry, may submit to the register and the receiver, in such form as the Secretary of the Interior may prescribe, the testimony of not less than two witnesses, who shall be citizens of the United States, residing in the neighborhood of the land embraced in his said homestead entry, that the applicant has been known to them for a period of at least five years next preceding; that during that time he has behaved as a man of good moral character, attached to the Constitution of the United States, and well disposed to the good order and happiness of the same; and that he has in all respects adopted the habits and customs of civilized life. The evidence so submitted shall be transmitted by the register and the receiver to the Commissioner of the General Land Office, together with the homestead proof of the said Indian; and thereafter, if upon examination the applicant is found to be entitled to receive a patent for the lands entered by him, that fact shall be duly certified and submitted to the Secretary of the Interior, together with the proofs and papers comprised in the application of the said party to become a citizen, whereupon, if it shall appear to his satisfaction that the applicant is a fit person to become a citizen, it shall be the duty of the Secretary of the Interior to issue to the said Indian a certificate under the seal of the Department of the Interior to that effect; and thereupon such Indian shall become in all respects a citizen and be entitled to enjoy all the rights, privileges, and immunities in any wise appertaining to other citizens of the United States: *Provided*, That a refusal by the Secretary of the Interior to grant a certificate of citizenship shall not prevent the issue to the applicant of a patent for lands entered by him, where full compliance with the provisions of the first section of this act is shown to the satisfaction of the Commissioner of the General Land Office: *And provided further*, That the limitations in respect to alienation prescribed by the first section of this act shall not be held to apply to the case of any Indian to whom a certificate of citizenship shall be issued under the provisions of this act, nor shall any of the provisions, restrictions, or limitations of this act be held to apply to any Indian or Indians whose tribal relations have been, or may hereafter be, dissolved by any act of Congress or treaty with the United States; but such Indians are hereby declared to be citizens of the United States, and entitled to the benefits of the general laws appertaining to the disposal of the public lands, as fully and in the same manner as other citizens of the United States.

SEC. 19. That the fifth section of the act entitled "An act in addition to an act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," approved March 3, 1857, shall extend to all oaths, affirmations, and affidavits required or authorized by the first and second sections of this act; and that the thirteenth section of the act entitled "An act for the regulation of seamen on board the public and private vessels of the United States," approved March 3, 1813, shall apply to all certificates or evidences of citizenship authorized to be issued by this act.

The amendment was agreed to.

Mr. SARGENT. On page 29, after the word "Indians," in the amendment which has been adopted as coming from the committee, in reference to the Great and Little Osage Indians, I move to insert "with the consent of the tribe;" so as to read:

For this amount, to be taken from the proceeds of the sales of the lands of the Great and Little Osage Indians, with the consent of the tribe, $75,000, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. MORRILL, of Maine. After line 394, on page 17, I move to insert:

For purchase of lot of land in the city of Columbia, South Carolina, next adjoining United States court-house lot, and to extend the same, $5,000.

The amendment was agreed to.

Mr. HARVEY. I desire to offer an amendment which I ask the Clerk to read.

The CHIEF CLERK. It is proposed to insert as an additional section, the following:

That all pre-emption and homestead entries, or entries in compliance with any law of the United States, of the public lands, made in good faith, by actual settlers, upon tracts of land of not more than one hundred and sixty acres each, within the limits of any land grant, prior to the time when notice of the withdrawal of the lands embraced in such grant was received at the local land office of the district in which such lands are situated, or after their restoration to market by order of the General Land Office, and where the pre-emption and homestead laws have been complied with, and proper proofs thereof have been made by the parties holding such tracts or parcels, they shall be confirmed, and patents for the same shall issue to the parties entitled thereto.

SEC. 2. That when at the time of such withdrawal as aforesaid valid pre-emption or homestead claims existed upon any lands within the limits of any such grants which afterward were abandoned, and, under the decisions and rulings of the Land Department, were re-entered by pre-emption or homestead claimants who have complied with the laws governing pre-emption or homestead entries, or shall make the proper proofs required under such laws, such entries shall be deemed valid, and patents shall issue therefor to the person entitled thereto.

SEC. 3. That all such pre-emption and homestead entries which may have been made by permission of the Land Department, or in pursuance of the rules and instructions thereof, within the limits of any land grant at a time subsequent to expiration of such grant, or when the grantee was in default in the performance of any of the conditions imposed by such grant, shall be deemed valid, and a compliance with the laws and the making of the proof required shall entitle the holder of such claim to a patent therefor.

Mr. SARGENT. I suggest that the Senator ask leave to pass that separately. It is a House bill.

Mr. BOUTWELL. It has been before the Committee on Public Lands and rejected, as I understand.

Mr. HARVEY. No, it was favorably reported.

Mr. HITCHCOCK. It is a very important measure.

Mr. SARGENT. If there is objection we do not want to embarrass this bill. I suggest that we pass it, if we pass it at all, as a separate bill.

Mr. BOUTWELL. It is a matter that will give rise to discussion. If there is any way of resisting it I propose to resist it. If the yeas and nays can be had on it I intend to call for them.

Mr. HARVEY. I should like to have the yeas and nays on that very proposition.

Mr. SARGENT. I am in favor of the bill, but I will vote against it as an amendment here.

Mr. MORRILL, of Maine. I move to lay the amendment on the table.

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

Mr. SARGENT. O, no; take the yeas and nays on the passage of the bill. It is just as privileged to do that as to put it on this bill. Let the deficiency bill pass now and go to the House, and then the

Senator can call up the bill. I make that suggestion to the Senator from Kansas.

Mr. HARVEY. I want a vote on the amendment. I have tried to get a vote on the measure as a separate bill several times during this session, but the very Senators who object to having it considered on this appropriation bill have prevented a vote from being taken upon it.

Mr. BOUTWELL. Yes, sir; I have prevented a vote on it as far as I was able to do so.

The PRESIDING OFFICER. The Senator from Maine moves to lay the amendment on the table, on which the yeas and nays are demanded.

The yeas and nays were not ordered.

The motion to lay the amendment on the table was agreed to.

Mr. BAYARD. I move to insert as an additional section the following:

That the appropriation of $10,000 under the act approved June 23, 1874, for the removal of obstructions in the harbor of New Castle, Delaware, be, and the same is hereby, continued and made available.

Mr. EDMUNDS. What is that for?

Mr. BAYARD. It is money that was appropriated last year but has not been expended, and the expenditure may possibly be delayed a month or two beyond June, when it will be covered into the Treasury by general law. This amendment does not take a dollar from the Treasury.

Mr. EDMUNDS. I suggest that you say "and the authority herein conferred shall terminate on June 30, 1875."

Mr. SARGENT. It extends to that time now. The appropriation was made a year ago.

Mr. BAYARD. The appropriation lasts until June, 1875, but it is possible it may not be expended by that time.

Mr. EDMUNDS. Then say it shall terminate on the 1st of November.

Mr. BAYARD. I have a letter from Colonel Kurtz stating the fact that it is possible he may not be able to expend this money in the removal of these obstructions until later in the summer than June, and he merely asks that the time be extended.

Mr. EDMUNDS. Very well.

The amendment was agreed to.

Mr. INGALLS. I offer the following amendment, which has been printed and referred to the Committee on Appropriations:

SEC. —. That the sum of $48,338.32, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Interior to carry into effect the provisions of the tenth article of the treaty with the Pottawatomie Indians, dated February 27, 1867, and to pay to the persons entitled thereto the amounts heretofore allowed and found to be equitably due them under said treaty, as reported to the Department of the Interior by the Commissioner of Indian Affairs on the 6th day of December, 1871.

Mr. EDMUNDS. I should like to have that business explained.

Mr. INGALLS. On the 27th day of February, 1867, a treaty was made with the Pottawatomie Indians, the tenth article of which provides:

It is further agreed that upon the presentation to the Department of the Interior of the claims of said tribe for depredations committed by others upon their stock, timber, or other property, accompanied by evidence thereof, examination and report shall be made to Congress of the amount found to be equitably due, in order that such action may be taken as shall be just in the premises.

In accordance with that provision a commission was appointed by the authority of Congress to pass upon claims for depredations which had been committed on the property of the Pottawatomie Nation of Indians. They reported to the Secretary of the Interior, and I have upon my desk that report, together with the recommendation of the Secretary that the amount should be paid.

Mr. EDMUNDS. What is the date of the recommendation of the Secretary of the Interior?

Mr. INGALLS. The date of the recommendation is December 20, 1871.

Mr. EDMUNDS. That is rather an old recommendation.

Mr. INGALLS. It is signed by C. Delano, Secretary of the Interior, and accompanied by the statement of F. A. Walker, at that time Commissioner of Indian Affairs.

Mr. MORRILL, of Maine. I am not sure that I understand the facts of this case, but it seems to me the amendment is subject to a question of order. Will the Senator state by what authority he introduces this amendment?

Mr. INGALLS. It is to carry out the provisions of an existing treaty.

Mr. EDMUNDS. That does not make it proper unless you have the other elements required.

Mr. INGALLS. I think the Senator is mistaken. Under the rule of the Senate it is in order if it is "to carry out the provisions of an existing law or a treaty stipulation."

Mr. MORRILL, of Maine. How is this to carry out a treaty?

Mr. INGALLS. I have read the tenth article of the treaty made with the Pottawatomies in February, 1867, in which it is declared—

It is further agreed that upon the presentation to the Department of the Interior of the claims of said tribe for depredations committed by others upon their stock, timber, or other property, accompanied by evidence thereof, examination and report shall be made to Congress of the amount found to be equitably due, in order that such action may be taken as shall be just in the premises.

Mr. EDMUNDS. "To Congress." Now show us the report to Congress.

Mr. INGALLS. I will send to the Clerk's desk and ask to have read the communication of the Secretary of the Interior and also of the Commissioner of Indian Affairs.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., December 20, 1871.

SIR: I have the honor to transmit herewith a copy of a report dated the 6th instant, from Commissioner of Indian Affairs, together with the claims therein referred to, of certain Pottawatomie citizens, for depredations committed upon their property while they were members of the Pottawatomie tribe of Indians.

The tenth article of the treaty with said Indians, of February 27, 1867, provides that the claims referred to, accompanied by the evidence taken therein, shall be reported to Congress, with the amount found to be equitably due, in order that such action may be taken as shall be just in the premises.

The claims, with the evidence taken, and a schedule thereof, with the amounts allowed in each case, as reported to the Department by the Commissioner of Indian Affairs, are respectfully submitted to Congress for such action as the treaty contemplates.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

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

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., December 6, 1871.

SIR: The tenth article of the treaty with the Pottawatomie Indians of February 27, 1867, (15 Statutes at Large, 533,) provides: "That upon the presentation to the Department of the Interior of the claim of said tribe for depredations committed by others upon their stock, timber, or other property, accompanied by evidence thereof, examination and report shall be made to Congress of the amount found to be equitably due, in order that such action may be taken as shall be just in the premises."

Under this provision of the treaty a number of claims were presented by late agent, Palmer, under date of December 24, 1869, extending back as far as the year 1846. These, after examination in this office, were on the 27th February, 1870, reported to the then Secretary of the Interior, with the statement that, from the loose and defective character of the evidence, it was impossible to reach an intelligent decision as to the amount equitably due any one of these claimants; and it was therefore recommended that the papers be returned to Superintendent Hoag for re-examination by the present agent for the Pottawatomie Indians, Mr. J. H. Morris. This recommendation was concurred in by the honorable Secretary, and the claims were accordingly returned on the 8th March last, with instructions for the agent's guidance in the examination to be made by him; the claimants to submit new claims or verify those already made within a reasonable time.

In compliance with these instructions, a copy of which is herewith inclosed, Agent Morris transmitted to this office, under date of November 9, 1871, ninety claims, amounting in the aggregate to $49,547.80, and allowed by him in the sum of $48,332.80, with the statement that he has carefully investigated each separate claim and examined the witnesses as to the character of the several claimants for truth and veracity, and that all claims which appeared to him spurious or dependent upon evidence of a doubtful character had been rejected.

I inclose herewith an abstract made in this office of the various claims now presented, showing the names of the claimants, with the amount claimed and amount awarded placed opposite to their respective names.

A uniform course seems to have been adopted in the examination of the various cases, with little or no variation. The claimant makes deposition before a notary public that he is a Pottawatomie citizen, and had property stolen from him while a member of the tribe, specifying the articles thus lost, the circumstances connected therewith, and the value of the property at the time it was taken. This statement is corroborated by affidavits of two or three persons claiming to be conversant with the facts and circumstances of the case, and by the agent's certificate that the evidence was taken in his presence, that the valuation of the property lost is fair, and that he believes the claim to be equitable and just.

As the agent appears to have carried out his instructions in the investigation with which he was charged, I have the honor to submit the claims for consideration and appropriate action by the Department.

Very respectfully, your obedient servant,

F. A. WALKER,
Commissioner.

Hon. C. DELANO,
Secretary of the Interior.

Mr. CONKLING. That is all the recommendation made then, the naked statement of the fact?

Mr. INGALLS. Which is—

Respectfully submitted to Congress for such action as the treaty contemplates.

I also have an abstract of the claims that were presented in accordance with the provisions of the treaty. If any Senator desires, I shall be pleased to have it read.

Mr. SARGENT. I hope we shall not take up any more time with this amendment.

Mr. STEVENSON. It is not worth while to have it read.

Mr. INGALLS. The claim is in accordance with the provisions of the treaty, and the whole amount has been proved under the provisions of law.

Mr. ANTHONY. What is the amount?

Mr. INGALLS. Forty-eight thousand dollars. As it is a just claim and recommended by the Department, I see no reason why it ought not to be allowed.

Mr. EDMUNDS. I submit that it is not recommended by the Department, but certain affidavits and evidence taken, as it is said, pursuant to this tenth article, have been transmitted to Congress for its investigation like any other claim. Therefore this amendment is not to carry out the provisions of an existing treaty, in the sense of the rule, like a treaty that requires the payment of a definite sum of money, but all the treaty provides is that certain evidence may be taken in a certain state of affairs like this and submitted to Congress for consideration. That evidence ought to have been submitted and referred to a committee, and I suppose it was from these letters, and that committee, if they believed it right on investigation, ought to have reported a bill just as they would have done for any other claim.

I do not know that they have, but it has been five years now since the matter has been presented to Congress, and some time within that five years—more than once I presume—that claim has been decided against. I cannot conceive it possible that it could have lain here without any recommendation, unless all committees were adverse to it and never reported it for that length of time.

Mr. INGALLS. Does the Senator know that it has ever been reported upon adversely?

Mr. EDMUNDS. I do not know, but I believe I remember that this claim has been up before and not been agreed to; but I will not state it with positiveness, for the reason that I would not wish the Senator or any other person to be misled by the vague idea I have that it was up before in previous years and not agreed to. Certainly I submit to my friend from Kansas it is not the place to put it on the deficiency appropriation bill. It ought, like any other claim standing by itself, to be referred to the Committee on Indian Affairs and be reported and passed as a bill by itself.

But I apologize to the Committee on Appropriations for having trespassed on their right and their duty to defend this bill against an amendment of this kind.

Mr. SARGENT. There is nothing further to be said after the Senator has so ably spoken.

Mr. MORRILL, of Maine. With a view of testing the question, I move to lay the amendment on the table.

Mr. INGALLS. It seems to me it is hardly a courteous way to treat a claim of this description.

Mr. EDMUNDS. It is five years old.

Mr. INGALLS. It will be six next year.

Mr. EDMUNDS. So it will.

Mr. SARGENT. I beg Senators to let us pass the bill.

Mr. INGALLS. As far as the remark of the Senator from Vermont is concerned, that this is not the place for it, on an appropriation bill of this kind, it appears to me that this is exactly the place for it. Everything else is in this bill, and I see no reason why this should not be.

Mr. EDMUNDS. I acknowledge there is force in that.

The PRESIDING OFFICER. The question is on the motion to lay the amendment on the table.

The motion was agreed to.

Mr. ANTHONY. I move an amendment which I submitted and had referred to the Committee on Appropriations. There is no provision to enable the Commissioner of Agriculture to distribute his reports, which it is absolutely necessary for him to do in order to carry on the machinery of his Department.

Mr. SARGENT. During the present fiscal year?

Mr. ANTHONY. No.

Mr. SARGENT. This bill relates to this fiscal year.

Mr. ANTHONY. We have not authorized the printing of any of his reports. I move to insert:

For printing twenty-five thousand copies of the report of the Commissioner of Agriculture, for the use of the Commissioner, $10,000.

Mr. SARGENT. Can that be done during this year?

Mr. EDMUNDS. I make the point of order that this is not in pursuance of the estimate of any Department, is not reported from any committee, has not been referred to any committee, and is otherwise improper.

Mr. ANTHONY. It comes from the Committee on Printing. It was referred to the Committee on Appropriations and is in writing somewhere, either on the files of the committee or on the desk of the Secretary. The printing of these reports is not my business; but the Commissioner of Agriculture has written to me several times that he has no means of furnishing copies of his report, which he says, and we know very well, are necessary for him to carry on his business.

Mr. SARGENT. Out of mercy to this bill, I move to lay the amendment on the table.

Mr. ANTHONY. Very well; I have done my duty.

The motion to lay on the table was agreed to.

Mr. HARVEY. I offer the following as an additional section:

That the proper accounting officers of the Treasury be, and they hereby are, authorized and required, in the settlement of all accounts for the services of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, between the 25th day of June, 1868, the date of the act constituting eight hours a day's work for all such laborers, workmen, and mechanics, to the date of the passage of this act, to settle and pay for the same without reduction on account of the reduction of hours of labor by said act, when it shall be made to appear that such reduction of the hours of labor was the sole cause of the reduction of wages; and a sufficient sum for said purpose is hereby appropriated, out of any money in the Treasury not otherwise appropriated, in order to enable said officers to pay to the laborers, workmen, and mechanics mentioned in said act of June 25, 1868, the full compensation of a day's wages for each and every eight hour's labor performed, without evasion or subterfuge.

Mr. SARGENT. I raise the point of order on that amendment on the ground that it is a private claim, has not been referred to the committee, and has not been reported.

The PRESIDING OFFICER. Has this amendment been reported from a committee?

Mr. HARVEY. It was referred to the Committee on Appropriations.

The PRESIDING OFFICER. Was it recommended by the committee?

Mr. HARVEY. It has not been recommended by the committee. I offered the amendment this morning, and it was referred to the Committee on Appropriations, and ordered to be printed.

The PRESIDING OFFICER. The rule requires that an amendment must be—

Moved by direction of a standing or select committee of the Senate or in pursuance of an estimate from the head of some of the Departments.

Mr. SARGENT. There is no estimate for it.

Mr. HARVEY. I have here a letter from the Secretary of War, directed to the chairman of the Military Committee of the House at the last session, concerning this matter.

The PRESIDING OFFICER. The ruling of the Chair has been that it must be in the Book of Estimates. That does not come within the rule. Two or three similar cases arose during the pendency of the former bill during the day, and such has been the ruling of the Chair.

Mr. HARVEY. The Chair rules this out of order, then?

The PRESIDING OFFICER. Yes, sir.

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 read a third time.

The bill was read the third time, and passed.

CONSOLIDATION OF NATIONAL BANKS.

Mr. CONKLING. I ask the Senate to take up a bill to which I think nobody will object—a bill to authorize the consolidation of the Auburn City National Bank and the First National Bank of Auburn, New York, reported by the Committee on Finance.

Mr. PRATT. I object.

The PRESIDING OFFICER. The Senator from Indiana objects.

Mr. CONKLING. I move to take up the bill, and I do not believe the Senator from Indiana will get up any bill unless he allows a vote to be taken on the question of taking this up. If the Senate votes this down, so be it, but I take it we are not subject to a single objection when there is no business before the Senate.

Mr. SCOTT. Before it is taken up I do not deem it indecorous to remind the Senate of the unanimous consent to give an hour to the Committee on Claims.

Mr. CONKLING. This bill would not have taken as long as this interruption has taken.

Mr. SCOTT. But there are a hundred others in the same position. I simply remind the Senate, and if it is the desire to go on with other business I shall not object. I acquit myself in doing my duty and shall not intrude myself on the Senate.

Mr. CONKLING. I hope this bill will be taken up. It is a mere formal matter.

The PRESIDING OFFICER. The question is on taking up the bill.

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

Mr. CONKLING. Let us divide on that. I do not believe claims will be facilitated by this mode of doing business.

Mr. SCOTT. Unanimous consent was given to allow an hour to the Committee on Claims, and it was given by the Senator from New York as well as others.

Mr. CONKLING. I beg the Senator's pardon; no unanimous consent was given when I was present. I tell my friend he will not hasten his bills by that way of doing business. Here is a little local bill of no interest except to people who do business in the two banks. It could have been passed in a minute.

Mr. SCOTT. It stands in the way of business.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York to proceed to the consideration of the bill indicated by him.

The question being put, there were on a division—ayes 16, noes 11; no quorum voting.

The PRESIDING OFFICER, [after a pause.] What is the pleasure of the Senate?

Mr. EDMUNDS. I move that the Senate take a recess until nine o'clock in the morning.

Mr. ALLISON. I hope that will not be done. I ask that a few moments may be taken to pass a few pension bills.

Mr. EDMUNDS. There is no quorum here.

Mr. ALLISON. There are about twenty-five pension bills that can be passed in a few minutes.

Mr. EDMUNDS. We cannot do business without a quorum.

Mr. ALLISON. There is a quorum here.

Mr. EDMUNDS. Let us try it on this motion to take a recess. I insist on order.

Mr. ALLISON. I am endeavoring to preserve order.

Mr. EDMUNDS. Then this is the only business.

Several SENATORS. What is the motion?

Mr. EDMUNDS. To take a recess until nine o'clock.

Mr. ALLISON. I hope the Senator will withdraw it.

Mr. STEVENSON. I hope the Senate will give the Senator from Pennsylvania [Mr. SCOTT] an hour as soon as this debate shall be over.

Mr. EDMUNDS. I insist on order. This motion is not debatable. There is no quorum present apparently.

The PRESIDING OFFICER. The Senator from Vermont moves that the Senate take a recess until nine o'clock.

Mr. SARGENT. We ought not to take a recess until we get a message from the House announcing its action on the sundry civil bill, which has to go to a committee of conference.

Mr. EDMUNDS. I made the motion in order to secure a quorum and keep the Senate together. I do not propose to leave.

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

The motion was not agreed to; there being on a division—ayes 5, noes 38.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York to proceed to the consideration of the bill indicated by him.

Mr. CONKLING. On that motion I wish to say one word. The bill I move to take up is to enable two banks resident in the city of Auburn, New York, whose business is concerned in consolidating, to do so. It is a House bill which I have sought for many days an opportunity to move, and have been appealed to by telegraph and otherwise by my colleagues to call attention to it.

Mr. EDMUNDS. What committee reported it?

Mr. CONKLING. It was reported by the Committee on Finance several days ago. Having waited all this time to take up this bill and never having been present when the Senator from Pennsylvania obtained unanimous consent, or any consent, about his bills, I addressed the Chair when no other Senator claimed the floor, and asked to take up this bill, which might have been completed in sixty seconds by the watch. Now that is my motion. It is a local bill——

Mr. MORRILL, of Vermont. And takes no money out of the Treasury.

Mr. CONKLING. It takes no money out of the Treasury, and is of no consequence to any human being but the parties whose business is concerned.

Mr. EDMUNDS. I hope we shall pass it by unanimous consent. It is the first bill to-night of that character.

Mr. CONKLING. And thereupon objection is made, as if I had committed a great crime, because I asked to take up this bill when there was no other business before the Senate.

Mr. SCOTT. I shall not be put in the position of imputing a great crime to the Senator from New York. I suppose the imputation is because I called the attention of the Senate to the fact that unanimous consent had been given to consider the bills from the Committee on Claims. I do not know how many telegrams the Senator from New York has received about changing the name of a national bank. I never stand in the way of business, certainly not if it is an accommodation to the Senator; but I know that I have received since this session began not less than one hundred notes sent in from women crying around the Senate Chamber, from claim agents and all classes of people who can annoy a man who has business in charge, and I only desire to discharge my duty as chairman of that committee for the purpose of getting the time which was allotted. Whether the Senator from New York was present or not when it was done, it was done by the Senate, in no hostility to his bill but in fidelity to what I considered to be my duty. Of course the Senator from New York having been recognized, other Senators in the discharge of their duty will want the floor and I shall be in the position then of objecting to every successive one, just as I have endeavored to do to his. I shall interpose no objection at all.

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

The motion was agreed to; and the bill (H. R. No. 4816) to authorize the consolidation of the Auburn City National Bank and the First National Bank of Auburn, New York, was considered as in Committee of the Whole.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to some and disagreed to other amendments of the Senate 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, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. JAMES A. GARFIELD of Ohio, Mr. EUGENE HALE of Maine, and Mr. SAMUEL J. RANDALL of Pennsylvania managers at the conference on its part.

The message also announced that the House had disagreed to the amendments of the Senate 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, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. PHILETUS SAWYER of Wisconsin, Mr. EDWIN O. STANARD of Missouri, and Mr. ASA H. WILLIE of Texas, managers at the same on its part.

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

A bill (S. No. 909) approving an act of the Legislative Assembly of Colorado Territory;

A bill (H. R. No. 706) to amend an act approved July 7, 1862, entitled "An act for the better government of the Navy of the United States;"

A bill (S. No. 411) for the relief of the Holy Cross Mission in the Territory of Dakota;

A bill (S. No. 1147) for the relief of Courtland Parker, as administrator of George W. Anderson, deceased;

A bill (S. No. 843) for the relief of the survivors of the Polaris;

A bill (S. No. 560) for the relief of William N. Denny, major of the Fifty-first Indiana Volunteer Infantry;

A bill (S. No. 996) for the relief of the Allegheny Valley Railroad Company; and

A bill (S. No. 755) to relieve James Jackson, of Georgia, of his political disabilities.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate proceeded to consider its amendments 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, disagreed to by the House of Representatives.

On motion of Mr. SARGENT, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

The VICE-PRESIDENT appointed Mr. SARGENT, Mr. DORSEY, and Mr. KELLY.

RIVER AND HARBOR APPROPRIATION BILL.

The Senate proceeded to consider its amendments 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, disagreed to by the House.

On motion of Mr. CHANDLER, it was

Resolved, That the Senate insist upon its amendments disagreed to by the House and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

Mr. EDMUNDS. Is it in order at this stage to move that we be authorized to borrow $8,000,000 to pay for these improvements?

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Chair thinks not.

Messrs. CHANDLER, WEST, and DENNIS were appointed the conferees on the part of the Senate.

Mr. WEST subsequently, on his own motion, was excused from serving as a conferee, and Mr. WINDOM was substituted in his stead.

SOUTHERN WAR CLAIMS.

Mr. SCOTT obtained the floor.

Mr. HAMLIN. I ask the Senate to take up a bill which gives a pension to a widow who is very poor and her children are crying for bread.

Mr. SCOTT. I move to proceed to the consideration of House bill No. 4692, making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871.

The motion was agreed to.

Mr. HOWE. I never can get the floor except by the consent of somebody who has it, and I appeal to the Senator from Pennsylvania, as just now I appealed to the Senator from California, to let the Senate consider the short bill which I ask to take up. It will occupy but a minute.

Mr. SCOTT. I do not consider myself as in charge of the floor at all. Here are Senators all around me interested in these bills from the Committee on Claims. If the Senator can obtain unanimous consent, I have no objection.

Mr. STEVENSON. I insist on the regular order.

Mr. NORWOOD. I appeal to the Senator from Wisconsin to let the Senate proceed with this bill and not antagonize it. I will stay here as long as anybody to assist the Senator from Wisconsin in passing his bill and meritorious bills that other Senators may want to have passed.

Mr. PEASE. I object to anything but the regular order.

Mr. NORWOOD and Mr. ALCORN. Let us have the regular order.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4692) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871.

The PRESIDING OFFICER. The Secretary will read the bill.

Mr. CRAGIN. Before the reading of the bill commences I wish to make a short statement. This morning the Committee on Naval Affairs was entitled to the morning hour, and one objection, under the rules, would have given the time to that committee, but they gave it away.

Mr. ALCORN. Mr. President——

Mr. CRAGIN. I am not going to object to this bill at all. I gave away the time of the Naval Committee this morning, being appealed to by the Senator from California, with the distinct agreement and understanding of the Senate that the Naval Committee was to have fifteen minutes when the appropriation bills were disposed of. Now, I give way for the bills in the hands of the Senator from Pennsylvania, but after he is through I shall claim the right to ten or fifteen minutes for my committee. I am a modest man, but unless I assert my rights I know I shall not obtain them in this scramble, and I intend do it.

Mr. SCOTT. Before the Secretary proceeds to read the bill I may perhaps facilitate the disposition of it by making a very brief state-

ment with reference to the bill. This bill makes appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871. The cases reported upon by the commissioners of claims at the commencement of this session of Congress numbered twenty-four hundred and seven.

Mr. SARGENT. Will the Senator allow me one moment?

Mr. SCOTT. Certainly.

Mr. SARGENT. I wish to call the attention of the Senate to the fact that this morning when I wished to call up the sundry civil appropriation bill the chairman of the Naval Committee had the floor and was entitled to proceed, and his objection would have stopped me. By his giving way we were enabled to put an hour's work on the sundry civil bill. I ask the Senate, as soon as this bill is disposed of, that the chairman of the Naval Committee may have the fifteen minutes which were at that time given to the sundry civil bill.

The VICE-PRESIDENT. The Chair hears no objection to that understanding.

Mr. SCOTT. I have stated that the cases reported upon by the commissioners of claims numbered twenty four hundred and seven. Of this number there were allowed, wholly or partially, eleven hundred and sixty-three, and disallowed twelve hundred and forty-four. The amount allowed was $740,409.72, and the amount disallowed $4,471,995.09. These figures show how many unfounded cases are presented to the commissioners, and also show how exaggerated are the amounts demanded in cases which are adjudged to be just in part. The House changed the report to some extent. It added four cases, one omitted by error, which we leave in. It added Caroline Heater, of Virginia, heretofore withdrawn by the commissioners and never again reported upon; James C. Freeman, of Georgia, disallowed formerly; and Joseph Garland, of Alabama, disallowed formerly. The committee of the Senate have stricken those out and sent them back to the commissioners for further examination.

Following the practice heretofore adopted with reference to these bills in the committee, the cases of largest amount were allotted among the members of the committee for the purpose of examining them, so that they might test in a general way the correctness of the reports made by the commissioners. Upon examining about fifty or sixty of the cases involved in this bill, there being over eleven hundred of them in all, the committee have stricken out of the bill the following cases:

Joseph Garland, Alabama	$1,200 00
Moses Maples, Alabama	4,688 00
W. B. Worsham, Arkansas	2,048 00
J. Campbell, administrator, Florida	9,225 00
J. C. Freeman, Georgia	2,985 00
J. Bontura, Mississippi	6,985 00
A. R. Fraser, Virginia	9,009 89
C. Heater, Virginia	5,165 00
G. Vanderwerker, Virginia	16,414 35
	57,720 22

The reasons for striking these cases out I will give very briefly when I go a little further.

The bill as it came from the House appropriated $148,296.39 divided among eleven hundred and sixty-seven cases distributed among the eleven States, as follows:

States.	Cases.	Amount.
Alabama	142	$72,871 82
Arkansas	153	96,501 00
Florida	6	13,475 00
Georgia	107	45,520 86
Louisiana	14	93,737 00
Mississippi	75	143,128 00
North Carolina	117	35,889 57
South Carolina	12	5,930 25
Tennessee	319	87,787 47
Texas	2	1,300 00
Virginia	214	143,460 42
West Virginia	6	8,695 00
Total	1,167	748,296 39

The Committee on Claims have stricken out, as I have stated, nine cases, which reduces the amount appropriated by the House bill as follows:

States.	Amount House bill.	Amount amended bill.
Alabama	$72,871 82	$66,983 82
Arkansas	96,501 00	94,453 00
Florida	13,475 00	4,250 00
Georgia	45,520 86	42,535 86
Louisiana	93,737 00	93,737 00
Mississippi	143,128 00	136,143 00
North Carolina	35,889 57	35,889 57
South Carolina	5,930 25	5,930 25
Tennessee	87,787 47	87,787 47
Texas	1,300 00	1,300 00
Virginia	143,460 42	112,871 20
West Virginia	8,695 00	8,695 00
Total	748,296 39	690,576 17

I will state very briefly, for the purpose of bringing as candidly as I can before the Senate the embarrassments the committee encountered in considering this bill, the reasons that have operated upon us in rejecting these cases which we recommend shall be taken from the bill. I will take one case as an illustration to begin with, and in taking that I do not wish to convey the impression at all that it is a specimen of the general action of the commissioners, for I think that generally they are much more correct than they have been in this case. I take the case of Gilbert Vanderwerken, of Virginia, the owner of some thousands of acres of land lying, perhaps eleven or twelve miles from this city. He purchased these tracts of land in various parcels, beginning in 1852 and closing his purchases some time during the war, paying upon an average not more than eleven or twelve dollars per acre. The testimony shows that he received property of the Government, material at Fort Marcy, about $6,000, and some $2,500 in money for wood and other articles sold off the property. In his testimony he states that his property was worth a considerable sum per acre; I think he goes as far as $80 or $100 per acre, showing the property to be worth in the neighborhood of $100,000. Notwithstanding this he presented his claim to the commissioners of claims for over $90,000, and they have allowed him $16,000. The testimony upon which it is allowed is that of himself and his agent who was upon the property, and one other person who does not give very much testimony with regard to it. I think the commissioners have made an entire mistake in reporting that case; and the committee recommend that it be stricken out. There is another case which to my surprise is here a second time, that of Campbell, the administrator of the estate of Stephen S. Springer. Springer was captain of a steamer in the United States service during the war, which plied on the coast near Beaufort or Hilton Head. He became the purchaser of three forty-acre tracts of land in Lady's Island, I think it was called, at a price of about $400. He made, as is alleged, a verbal contract with a quartermaster named Moore, who is said now to be dead, although the proof of his death was not very specific before the commission. That contract was for timber off these forty-acre tracts of land at three dollars a stick for standing timber. That timber was delivered for the purpose of putting in tugs at Beaufort, Hilton Head, and one or two other points. The taking of that timber commenced within ninety days after the deeds bear date to him from the commissioners of direct-tax sales. Sixty days had run before the title became absolute in him after the sale. Therefore the contract must have been made before or immediately after the sixty days had expired, and the consequence is a bill is presented for over $9,000 for the standing timber taken by the Government off these three forty-acre tracts of land which had been sold at direct-tax sale for a little over $400; and that bill of $9,000 is allowed.

This man Springer it is alleged died in Florida. John Campbell is his administrator. Springer left no children; he left no widow. It is alleged that this claim is prosecuted for the benefit of northern creditors, and one of the principal witnesses who makes out the claim is the brother of Campbell, the administrator of Springer, the attorney in fact, who says he is interested in the case. Now, taking that in its general aspect, this direct-tax sale and the verbal contract by one employé of the Government with another, which enabled him to realize $9,000 in a few weeks out of property which he paid $400 for, the case looks to us as if it required very considerable explanation. It was sent back at the last session and witnesses were examined in this District who testified that three dollars would be a pretty fair price for that kind of timber down there, but this I do not care to go into. What struck the committee as very objectionable is that the original tax-deeds are not given. Certified copies are given, but the testimony to my mind is not conclusive that the originals were ever delivered to Springer. The commissioners have sent the claim back to us again and the committee recommend that it be struck out.

In a general way I have this criticism to make upon the findings of the commissioners: Where property is alleged to be taken for the use of the Government, for instance horses, the taking is sometimes proved to have occurred in the presence of an officer by privates. I remember one case of that kind. The property is traced no further; it is not proven conclusively that it went into the service of the Government; it is not found on the return of the Quartermaster or Commissary General; and I think the commissioners are a little liberal in allowing claims under such circumstances. It is true the citizen has lost his horse, as in the case to which I referred, but it is not entirely certain what became of the horse or that the Government got it. Still, as a general rule, the commissioners have been very industrious and careful in their examinations and they have only in some instances departed from the rules which would have governed the committee if the cases had been before them. We have struck out some cases which we have examined, and I have deemed it my duty to bring these facts before the Senate so that they may have the advantage of the committee's examination.

Now, with this statement, if the Senate is satisfied that I shall do so, I shall call attention to the amendment which we recommend without reading this bill in full, because it contains nothing but the names of claimants and the amounts appropriated to them.

Mr. CONKLING. It is the House bill?

Mr. SCOTT. Except an additional section which the committee recommend sending certain cases back specifically for examination, and also requiring that hereafter the commissioners shall sign their

reports. They send their reports in not signed at all, and we are not able to determine from an examination of a report whether it is the opinion of all the commissioners or not. We cannot tell which commissioner examined it. We desire them to sign the report if all agree, and if either dissents to state the dissent and the reasons for it.

Having made this statement, I will now ask the attention of the Senate to the amendments and ask concurrence in them unless some Senator desires that the bill be read through regularly.

Mr. EDMUNDS. We ought not to pass such a bill without reading it. I never heard of such a thing.

Mr. SCOTT. I have made this statement for the purpose of getting the facts before the Senate.

Mr. STEWART. I should like to inquire how long this commission is to run?

Mr. SCOTT. I will answer the Senator from Nevada. The commission was created originally to extend to the 3d of March, 1874, if I recollect aright, and it has been extended for three years. I believe it will run until 1877. The time, however, for filing claims expired on the 3d of March, 1874, and there has been constant application since to extend that time again. The Committee on Claims, a divided committee, reported a bill which contains a clause of that character. I do not propose to call that bill up for action, because I am opposed to extending the time.

Mr. CONKLING. Has it never been extended?

Mr. SCOTT. It has been extended once.

Mr. EDMUNDS. What is there in this bill?

Mr. SCOTT. The Senator from Vermont could not have been in when I made my statement.

Mr. EDMUNDS. I do not mean the facts. Is there anything of a legislative character except naming the claimants and naming the sums which they are to get?

Mr. SCOTT. The only thing is a section which sends back to the commissioners for examination the cases we recommend to be stricken out, and the clause requiring the commissioners to sign their reports, and where either of them dissents to state the reasons for the dissent. That is all the legislation there is in the bill.

Mr. BOUTWELL. I desire to inquire of the Senator from Pennsylvania whether the fifty cases which I understand have been examined by the committee were cases in course upon the report of the commissioners, or whether they were suspected cases? I understand nine of them have been rejected by the committee; and if fifty were cases in course, it throws suspicion on the whole list.

Mr. SCOTT. I will state to the Senator that so far as several of those cases were concerned, attention was specifically directed to them in this way: They had been disallowed, some because of insufficient proof of loyalty; others for other reasons. They had been sent with their report to the House, and the House upon testimony afterward finally inserted them. We deem that an improper mode of proceeding, and do not think it possible that the committee of either the House or the Senate can take up testimony and examine it; and we wish to send them back. That only refers to four or five cases. I selected, as chairman of the committee, those involving the largest amount, without any knowledge whatever of their character, and referred them to the members of the committee for examination.

Mr. EDMUNDS. That is to say, forty-five cases, taking out the five.

Mr. SCOTT. Forty-five or fifty.

Mr. CONKLING. How many of those do you challenge now?

Mr. WRIGHT. I suggest to the chairman of the committee there were some seventy cases, about eight being referred to each member of the committee.

Mr. SCOTT. I am somewhat under the number that were examined. There are nine members of the committee, and each member had about eight cases. There were seventy cases altogether, although some of the members did not proceed in examining all their cases.

Mr. EDMUNDS. Seventy cases were examined, then, if I understand, instead of fifty?

Mr. SCOTT. There were three cases that had formerly been disallowed and that were stricken out for that reason and sent back for examination. Of the cases examined six are recommended to be stricken out.

Mr. CONKLING. That is one in eleven and a half.

Mr. SCOTT. I can state the reasons. There are, I believe, three of them in which the commissioners themselves have sent to us notification that they have received information from some of their special agents which would render it desirable that they should be sent back for reasons transpiring since they sent their report to Congress. I referred to other cases, such as that of Vanderwerken, of Virginia, and that of Campbell, the administrator of Springer, in Florida. Then there is the case of a man named Joseph Bontura, a livery-stable keeper in Natchez, Mississippi, which case I myself examined, and from the testimony I find the evidence of his loyalty was entirely insufficient. If the case had been before the committee, the committee would not have passed it.

Mr. EDMUNDS. I suppose he was proved to be loyal like Colonel Lamar, who got paid for his cotton on the ground that he had an amnesty.

Mr. SCOTT. No, the testimony was this: Bontura kept a large livery stable, had a large number of horses, and up to 1863, notwithstanding the emergency in which the confederate army was placed, he was not disturbed. There is no evidence of his actual participation in the rebellion, although he was disabled and perhaps could not participate in it. When our Army reached there, he kept a boarding-house and entertained our officers, and got pay for it, and there is nothing affirmative to show that he was on either side of the question. The proof was not suspected, but the claim was presented in such an unconscionable shape, for so large an amount, that that of itself rendered it somewhat suspicious. I speak of that for the purpose of illustrating the character of these cases.

Mr. CONKLING. How many cases are there?

Mr. SCOTT. There were eleven hundred and sixty-seven cases in the bill.

Mr. EDMUNDS. I should like to ask the Senator from Pennsylvania if I correctly understand him when he says that seventy cases were taken out of these eleven hundred and sixty-seven to be examined by the committee. Am I right?

Mr. SCOTT. About seventy cases were examined by the committee.

Mr. EDMUNDS. I am substantially right?

Mr. SCOTT. Yes, sir.

Mr. EDMUNDS. Now, were those seventy cases taken at random, as in a custom-house, in eleven hundred and sixty-seven cases of merchandise seventy would be taken to test the quantity and quality, &c., or how were those seventy selected?

Mr. SCOTT. With the exception of some four or five to which special attention was directed, as I stated in my reply to the Senator from Massachusetts, [Mr. BOUTWELL,] the others were taken, I may say, at random, being guided by the importance of the case and the amount appropriated in selecting them, deeming it more important that we should examine the larger cases; but they were taken without any previous knowledge of their character, at random, through all the States.

Mr. EDMUNDS. So that sixty-five cases were taken at random out of the whole stock of eleven hundred and sixty-seven, of which you had no previous knowledge, and out of those sixty-five may I ask how many were discovered to be bad?

Mr. HOWE. And how many were actually examined?

Mr. EDMUNDS. And how many were actually examined? as my friend from Wisconsin says. In the first place, were the whole sixty-five actually examined and considered by the committee?

Mr. SCOTT. Each member of the committee reported all his cases, I believe. If there was any exception it was perhaps the Senator from Mississippi, [Mr. PEASE,] who was unwell during a portion of the time. My impression is that at the close of the examination he brought in all his cases and stated that he had examined them thoroughly. Am I right?

Mr. PEASE. Yes; I examined them all and brought them all in.

Mr. EDMUNDS. Out of those sixty-five how many were found to be bad?

Mr. SCOTT. I have already stated that six are recommended to be stricken out, and in three of those cases notice was received from the commissioners that since they sent their reports in their special agents had given them information which led them to believe the cases ought to be sent back to them for examination. So that three of them were brought to our notice in that way.

Mr. EDMUNDS. And if you had not received that notice those three might have got through?

Mr. SCOTT. They might have. I am not sure that they would.

Mr. EDMUNDS. So that this notice would rather heighten the doubt which would be thrown over the others?

Mr. SCOTT. The Senator can draw his own conclusions.

Mr. EDMUNDS. I am asking my friend, who has charge of this business, how it would strike him?

Mr. SCOTT. I have already, in my general statement, said that I wished to call the attention of the Senate to the fact that this number of cases in our examination we find ought to be rejected, and I went on to illustrate—I do not know whether my friend was in or not at that time—the character of the cases by taking up two of the cases and stating the details of them.

Mr. EDMUNDS. I do not care about the details. I only wish to get at the results of the committee. It seems to me that one case in eleven, in round numbers, and a little more than eleven, so far as you examined at random, turned out to be cases that do not fall within the statute and within the principles of the statute, as you know.

Mr. CONKLING. And some of them are fraudulent.

Mr. SCOTT. I will not say that the claims presented did not fall within the statute.

Mr. EDMUNDS. O, no; I am not making any criticism upon the commissioners, for whom I have the highest respect and in whom I have great confidence; but it turns out, if I understand the Senator from Pennsylvania, that one in eleven of these cases, taken at random, turned out to be cases that do not stand, in the judgment of the committee, upon solid grounds!

Mr. SCOTT. The Senator states too largely the proportion. Not one in eleven.

Mr. EDMUNDS. But six in sixty-five, the Senator says.

Mr. SCOTT. But of those cases three were called to our special attention by the facts stated by the commissioners. If the Senator from Vermont will permit me, I may perhaps relieve him further. I think I know what is in his mind. Three of the cases that we have

recommended to be stricken out were stricken out because they had formerly been disallowed. Upon comparing the report sent to us in December last, at the commencement of this session of Congress, I found they were not in that report. I found they had been sent to us in former reports disallowed, and for that reason, without any particular examination of them, we deemed it proper, instead of inserting them in the bill, as subsequent testimony was relied upon in the House, to strike them out and send them back to the commissioners. The other three cases to which I referred were selected because of the notice sent by the commissioners that there were facts transpiring since the reports that required them to be sent back for further examination.

Mr. EDMUNDS. Yes, Mr. President, but if it appears now, after this bill has got through the House, that three of these cases had been disallowed by the commissioners and reported disallowed, what, in that proportion, is the number of cases in the whole eleven hundred and sixty-seven that have also been disallowed and are passed by the House in this bill?

Mr. SCOTT. No others; for we compared the list of those allowed with the bill, and we found that there are but three cases in this bill that were not in the report returned by the commissioners to Congress at its assembling in December last. Of course those three cases led to an inquiry as to how they got there.

Mr. EDMUNDS. Yes, but the Senator says he took sixty-five cases, in round numbers, at random. Now it happens that three of those were cases that had been reported adversely by the commissioners. If the commissioners had given him notice in advance and he had taken those cases because they were thus reported against, that would reduce the number of cases taken at random to sixty-two.

Mr. SCOTT. The Senator is mistaken. They were taken for that reason because they were not found in the report and they were found to be disallowed.

Mr. EDMUNDS. Very well. That reduces the number of cases taken at random to sixty-three, does it? Am I right in that?

Mr. SCOTT. I did not hear the question of the Senator.

Mr. EDMUNDS. That then reduces the number of cases taken at random to sixty-three. The Senator started with seventy and he gave a special account of five or six, which left sixty-five. Now he says there are three of those that turned out to have been disallowed by the commissioners and of which the commissioners gave him notice. Were they in those which he took at random, or were they those of which he had notice?

Mr. SCOTT. The Senator mistakes again. I shall have to explain to my friend the *modus operandi* of examining this bill, so that he can get at the exact number of cases examined. The commissioners sent in their report at the commencement of the session of Congress, in pursuance of the act. They stated the names of the claimants to whom they made awards, and they stated the names of claimants whose claims had been disallowed. Upon examining this bill in comparison with the report, I found upon the bill three names that were not in the report made in December. Upon examining how they got there, it was found that these three had been of the disallowed cases in former reports—not this session, but in former reports. The House put them in upon testimony filed with them afterward. We deemed that improper. Now, take those three from the seventy-two which were taken from the bill at large, and you will have sixty-nine. The commissioners sent to me information with reference to three more—information obtained from their special agents since their report was made—which justified them in saying they thought it was proper that those should be sent back, and for that reason they were put among the cases to be examined.

Mr. EDMUNDS. Then I understand the Senator to say that he had information as to this last number before he took these sixty-nine cases out. That reduces the number to how much?

Mr. CONKLING. Sixty-six.

Mr. EDMUNDS. Three more; yes, that left sixty-six.

Mr. SCOTT. Of those there are three more——

Mr. EDMUNDS. Those sixty-six representing the cases taken as samples, so to speak, at large, out of the bill?

Mr. SCOTT. Yes. Of those there were three more that the testimony with them disclosed ought to be rejected. I said these three were selected because the commissioners sent me notice. I think I am, perhaps, incorrect as to one of them. I had selected it before I got the notice. I got the notice of one of them immediately after I had the selected it. Nevertheless that does not change the figures.

Mr. EDMUNDS. That would leave about one in twenty-two, on doctrine of changes.

Mr. STEWART, (to Mr. SCOTT.) How many did you examine yourself?

Mr. SCOTT. I took the same number as any other member of the committee. I examined eight, and incidentally looked through several others.

Mr. STEWART. In the eight you examined how many did you find bad?

Mr. SCOTT. In the eight I examined I rejected two.

Mr. WASHBURN. I want to ask the chairman of the committee if he does not give a wrong impression when he says "reject." As I understand it, the committee do not examine these cases so as to come to the conclusion that they would reject those cases, but that they were dissatisfied so as to send them back to the commissioners for re-examination.

Mr. SCOTT. I stated that was the recommendation that we made. In my former remarks I think I created no wrong impression upon those who heard me. I stated that the recommendation was for reexamination. Now, if no other Senator has a question which he desires to have answered with reference to the bill——

Mr. HOWE. I have one question.

Mr. SCOTT. Very well.

Mr. HOWE. I ask whether the reports made by the different members of the committee were submitted to the committee and whether the judgment of the committee was passed upon each one of these different cases examined by the different members of the committee? Have we the judgment of the committee that all but the three condemned cases were passed on by the committee, or is it the judgment of the different members of the committee?

Mr. SCOTT. I will state to the Senator what perhaps he is entirely familiar with, for I think that during the time he had the pleasure of being on that very agreeable committee, as its chairman, he will remember the process through which the cases were put, that each member did make the report of his examination to the full committee, stating at such length as he deemed necessary the testimony found in each case. Of course, the bill coming over on the 23d of February, ever since which time the Senate has been in almost a continuous session, it was utterly impossible that a very full consideration should be given to each case; but the judgment of the committee was taken upon the report made by each member of the committee to the full committee, except that at the last meeting the committee was not entirely full, because it was impossible to get a full committee during the session of the Senate.

Mr. EDMUNDS. What is the total amount?

Mr. WRIGHT. Seven hundred and forty-eight thousand dollars and more.

Mr. SCOTT. The bill by this report is reduced to about $690,000. The original amount was $748,000.

Mr. WRIGHT. I wish to say one thing to supplement what the chairman of the committee has said. This bill, as he has already stated, was referred to the committee on the 23d of February, while the law requires that it shall be sent to the House on the 1st day of the session. It was held there until that time, and of course it is very plain to the Senate, without our saying anything upon the subject, that it was utterly impossible for us to examine all these claims. The chairman pursued, the course usually pursued and I believe uniformly pursued in the examination of these cases; that is, to assign eight or ten or twelve cases to each member of the committee for examination. I can only state, so far as my own examination is concerned, that I examined every case assigned to me, examined all the testimony on the docket, and made a full memorandum and submitted it to the committee, so that when I was through my examination the committee had a condensed report of all the facts in the cases.

Mr. EDMUNDS. How many cases did you examine?

Mr. WRIGHT. I had eight.

Mr. EDMUNDS. How did they stand?

Mr. WRIGHT. I was about to state that of the eight I found one, sitting as a court of review, so to speak, that I could not recommend; and indeed I recommended to the committee that it should be rejected, and it was rejected. I think perhaps there were one or two other cases that I had the gravest doubts upon and only concluded to recommend and report upon them because of the weight that I accorded to the decision of the tribunal. In other words, I think I said to the committee that if hearing it originally upon the testimony as it stood, I should have found otherwise; but giving due weight to the ruling of the tribunal, I concluded I would affirm it, and that was the conclusion of the committee. I think I can say of the eight cases I examined there is no probability of injustice being done to the Government in agreeing with the commission in all the cases except one, and that one I believe is the Garland case, which has been rejected. I cannot state of course to what extent the other members of the committee examined their cases, but I suppose to the same extent that I did. The time allotted of course was so short that it was utterly impossible to give a full examination to all these cases, and we therefore concluded, I think I am justified in saying, that the only thing we could do was to report the bill to the Senate and state as briefly as we could to Senators the facts as far as we were able to do so, and leave the Senate to determine.

Mr. EDMUNDS. May I ask the Senator from Iowa how many members of that committee there are?

Mr. WRIGHT. Nine members.

Mr. EDMUNDS. And there were three cases found to be bad out of sixty-six?

Mr. WRIGHT. I do not remember about that; but I remember about those I examined myself.

Mr. EDMUNDS. The chairman found two bad and the Senator from Iowa found one, and the other seven, having forty-nine cases, found none at all. That is a most extraordinary coincidence of luck.

Mr. SPENCER. I do not wish to embarrass or delay the passage of this bill, because I am very much interested in it and should be sorry to see it defeated. But I desire to ask the Senator from Pennsylvania, the chairman of the committee, about the case of Mr. Ma-

ples, of Jackson County, Alabama. I know the man personally. I should like to know the reasons why his case was sent back.

Mr. SCOTT. I can answer the Senator. The case was reported favorably, and upon a letter dated January 31, 1875, addressed to the commissioners, they directed a special agent, who was at that time in the neighborhood of where Mr. Maples resides, to make inquiries with reference to his loyalty. That agent did make examination, made a report to them, and sent the letter and testimony of one or two other persons with reference to that, all of which was communicated to the committee, and upon that they deem it proper, as the commission did, that this case should go back to the commission for re-examination.

Mr. SPENCER. I desire to state that I know Mr. Maples very well personally, and I have no doubt of his entire loyalty during the whole war. It would embarrass the bill, however, to make further objection.

Mr. SCOTT. In order to facilitate business, I will ask consent that the reading of the bill, except the last section, be dispensed with, and I will call attention to the amendments by the numbers of the lines so the amendments may be acted upon. I will ask that consent and ascertain whether it can be obtained or not.

Mr. EDMUNDS. I do not wish to embarrass the consideration of this bill by anything that will unseasonably consume time, but it does seem to me that no bill ought to pass this body without being read, no matter what committee it comes from, or what it is about. post-routes or whatever; but if no other Senator thinks I am right, I shall not allow my own selfish opinion to stand in the way of the judgment of other gentlemen; but I confess it appears to me a very bad precedent. I do not doubt at all that this particular measure is exactly what my friend believes it to be, but I believe it to be a violation of sound principles of safety to allow it to go through without its being read.

Mr. HOWE. I want to suggest to the Senator from Vermont that the reading of the text of this bill will occupy from one to two hours, as it is a bill of seventy-odd pages, and if we sit here and hear it read we shall know that we have heard the text of the bill. What the bill is about, what the cases are upon which the money is awarded in the bill, we shall not know anything about, for the committee which reports it tells you that with the exception of a few cases its members know nothing about it. You have got to act blindly or not to act at all, so far as voting the money is concerned; and is it worth while to vex this exhausted Senate to sit here by the hour just to see the husks opened before you in which these awards are contained? It seems to me that is sticking a little in the bark.

Mr. EDMUNDS. The Senator will pardon me if I tell him that I shall not interpose my individual objection.

Mr. HOWE. I was making the suggestion to the Senator from Vermont.

Mr. SCOTT. Then, if no Senator objects, I will state that the first amendment will be found on page 4, line 74, of the bill. I will ask the Senate to agree to the amendments. The Clerk will report them.

The CHIEF CLERK. The first amendment reported by the committee is on page 4, line 74, to strike out the following words:

To Joseph Garland, $1,200.

The amendment was agreed to.

The next amendment was to strike out on page 6, lines 132 and 133, the following words:

To Moses Maples, $4,688.

The amendment was agreed to.

The next amendment was in lines 451 and 452, page 19, to strike out the following words:

To William B. Worsham, $2,048.

The amendment was agreed to.

The next amendment was on the same page, in lines 456 to 458, to strike out the following words:

To John Campbell, administrator of the estate of Stephen S. Springer, deceased, $9,225.

The amendment was agreed to.

The next amendment was in lines 515 and 516, page 22, to strike out the words:

To James C. Freeman, $2,985.

The amendment was agreed to.

The next amendment was in lines 641 and 642, to strike out the following words:

To Joseph Bontura, $6,985.

The amendment was agreed to.

The next amendment was on page 88, after line 666, to insert:

Clara A. Brinkley, Hubbard W. Hardaway, J. W. Hardaway, M. B. Hardaway, and Susan E. Mason, the.

So as to make the clause read:

To Clara A. Brinkley, Hubbard W. Hardaway, J. W. Hardaway, M. B. Hardaway, and Susan E. Mason, the loyal heirs of Alice Hardaway, deceased, $8,031.

Mr. SCOTT. That is simply inserting the names of the heirs. The bill as it came from the House simply said "to the heirs," without designating who they were.

Mr. HOWE. How are these names obtained? Are they found in the record?

Mr. SCOTT. The names are found in the record. The bill of the House simply was to the "loyal heirs of Alice Hardaway," and the Senate committee deemed it not exactly the right thing to send the question as to who were the heirs and the loyal heirs to the officers of the Treasury for their decision; but looking in the record they found who the loyal heirs were, and directed accordingly that the names should be inserted.

Mr. HOWE. Did the commissioners find that they were a part of the heirs that were loyal, or that these were the heirs and that they were all loyal?

Mr. SCOTT. I do not recollect now whether these are all the heirs, but they were loyal.

Mr. WASHBURN. These are all the heirs and they are all loyal.

The amendment was agreed to.

The next amendment reported by the Committee on Claims was in line 744, on page 31, after the word "deceased" to strike out "for the loyal heirs" and insert "for the use of Warren S. Kyle, Clara O. Kyle, and Lizzie H. Kyle, the loyal heirs of said deceased;" so as to make the clause read:

To Elizabeth Withers, executrix of the estate of John Kyle, deceased, for the use of Warren S. Kyle, Clara O. Kyle, and Lizzie H. Kyle, the loyal heirs of said deceased, $3,914.

The amendment was agreed to.

The next amendment was in line 1248, on page 52, after the word "deceased," to strike out "for the loyal heirs" and insert "for the use of L. L. Osment, H. Y. Osment, H. C. Osment, and Alice E. Osment, the loyal heirs of said deceased;" so as to make the clause read:

To Mary A. Osment, administratrix of the estate of John Osment, deceased, for the use of L. L. Osment, H. Y. Osment, H. C. Osment, and Alice E. Osment, the loyal heirs of said deceased, $1,010.67.

The amendment was agreed to.

The next amendment was to strike out after line 1510, on page 62, the following words:

To Anthony R. Fraser, $9,009.87.

The amendment was agreed to.

The next amendment was after line 1538, on page 63, to strike out the following words:

To Caroline Heater, $5,165.

The amendment was agreed to.

The next amendment was after line 1698, on page 70, to strike out the following:

To Gilbert Vanderwerken, $16,414.35.

The amendment was agreed to

Mr. STEWART. I suggest to the chairman of the Committee on Claims that he lay this bill aside and take up some claims that he knows to be correct. Now there is enough developed to establish one fact: that further investigation of these claims ought to be had. Of the eight the chairman himself examined he found that two ought not to be allowed—one-fourth of them. This is a very large sum, six or seven hundred thousand dollars, to come here only two or three days before the end of the session, and the little examination that has been had has developed so large a percentage that the claims ought not to be allowed now. It seems to me they ought to go over and be examined during the next Congress. The report will stand good. It is a report of this commission. It ultimately will be acted upon. There are hundreds of claims of individuals that have been here for twenty years and no action has been had on them. These claims are different; they are collected and will be acted upon; and when they are thus collected and certified to, it seems to me it is the duty of Congress to take sufficient time to examine them. Let us take up individual cases that have been carefully acted on by the committee. Of these cases now before us some will go through that are honest and a great many that are dishonest.

Mr. SCOTT. I take very kindly the suggestion of the Senator from Nevada as to what I had better do, but I prefer that we shall act on the amendments first, and then his suggestion will be more in order as to the final passage of the bill. There is one more amendment.

Mr. STEWART. I will say no more then at this time.

The next amendment of the Committee on Claims was to insert as section 2 the following:

SEC. 2. That the cases of Joseph Garland, Moses Maples, William B. Worsham, John Campbell, administrator of the estate of Stephen S. Springer, deceased, James C. Freeman, Joseph Bontura, Anthony R. Fraser, Caroline Heater, and Gilbert Vanderwerken be, and they are hereby, referred to the commissioners of claims for re-examination and report; and the said commissioners of claims are hereby authorized to reopen, examine, and consider the said cases, and to make report thereon to Congress; and it shall hereafter be the duty of the commissioners of claims who concur in making any report to sign the same; and if either of said commissioners dissents from the report, such dissent, with the reasons therefor, shall also accompany it.

The amendment was agreed to.

Mr. SCOTT. Now, Mr. President, in answer to the suggestion of the Senator from Nevada I have to say that this commission was originally formed by a section in an appropriation bill that elicited very considerable discussion, and my impression is that different members of the Senate took somewhat different views as to the functions of this commission, some taking the view that they were appointed simply to examine these claims, collect the evidence, and transmit that evidence to Congress for its future action. But when their first report came in others took the view that the finding was of sufficient

importance to give it a *prima facie* correctness, almost the force of the judgment of a court, and upon those findings appropriations were asked and have been made at every session of Congress since this commission was organized. So long as I have been a member of the Committee on Claims, and that has been ever since this commission was organized, the practice has been, as I have stated, to give such a cursory examination as the committee could give during the sitting of Congress to cases enough to determine the general accuracy of the finding. I think myself that with our experience it would not be a bad practice in the future, when a bill comes over from the House as this does in the last days of the session, that instead of undertaking to examine it hurriedly it should go over to the next session of Congress; and it can be examined during the recess a great deal more fully than it can be during the session. We received this bill in the Senate on the 23d of February. I do not say whether it ought to have been acted on sooner or not. If it is not acted on finally at this session, or if some cases are acted upon without fuller examination, it is because it did not come earlier, and the responsibility must rest wherever the circumstances place it.

But I have this to say: that I believe these commissioners endeavor to do their duty. Some of them are gentlemen who have occupied high judicial station, men of character, men of integrity, men of ability. There may be the same differences among them that exist and that are developed among members of committees. The members of the Committee on Claims, in examining cases brought before them, differ as much perhaps as the commissioners would. It would be hard to find any tribunal which, when submitted to review by another tribunal, would not perhaps be criticised in its findings. Taking it altogether, it has been the practice of Congress that the money should be appropriated, and the expectation has grown up among these claimants, many of whom are poor, the evidence being all taken and printed for the use of the Government, that they would be paid after an examination, and many of them have gone to a great deal of expense, under this impression.

I have endeavored to state the case as fully as I can to the Senate, and having done that I submit it to their judgment.

Mr. GORDON. I offer the following as an additional section:

That the claim of Nathaniel P. Harben, for tobacco seized by United States troops in the State of Georgia in the year 1864, be referred back, with the accompanying papers, to the commissioners of southern claims, with jurisdiction and authority to examine the same, and to report thereon at the next session of Congress as in cases provided for in the second section of the act authorizing the appointment of the said commissioners, approved March 3, 1871; and said commissioners of claims shall use the evidence legally taken by themselves in the examination.

I only want to say that in that case there was a favorable report, and the committee, I believe, agreed it should be referred back to the commissioners.

Mr. SCOTT. Lest there be a misapprehension about that case, I will state that there was a bill reported from the Committee on Claims authorizing a specific amount to be paid to Mr. Harben. It was for tobacco taken during General Sherman's march from Atlanta to the sea, under circumstances which General Sherman stated in a letter. He considered it absolutely necessary, and he took that tobacco as rations for the Army. A similar case was allowed by the commissioners of claims. The committee differed very much as to the full amount, and it was reported permitting him to go to the Court of Claims, but I believe it was agreed in committee that instead of that going there this amendment might be offered to send this particular case that had been examined to the commissioners for examination.

Mr. WRIGHT. I wish to say a word on this subject lest I may be misunderstood. I do not wish to be understood, nor does the chairman wish to be understood either, that the committee were unanimously of the opinion that this claim ought to be sent to this commission. I remember distinctly that my own view on that subject, as applied to this class of cases, was that we should not send any case to the commission that had not been before it. In other words, that the bar of the statute having run, we should not send anything back to it; that it has no jurisdiction except what is given to it specifically by the statute; and unless the case was brought before it in time we should not send it to the commissioners.

Mr. SCOTT. I wish to call attention to the fact that this case was not within their jurisdiction simply for the reason that tobacco was neither quartermaster nor commissary stores; but under the peculiar situation in which it was taken it had been made quartermaster's stores; and although that would preclude jurisdiction, it made it exceptionable to send it there.

Mr. WRIGHT. The suggestion of the chairman only leads me to make one other remark: that in cases where they were barred by the statute we should not send them back, and certainly I would not send a case back that did not come within the statute which was barred.

The amendment was agreed to.

Mr. WASHBURN. I wish to say a single word in addition to what has been said in regard to this commission. It has been said that there are a few cases in which the committee differ from the findings of this commission. It seems to me that it is just as important that the cases examined by this commission should be examined by the committees as it is that cases which have been examined by a committee in one branch should be examined by a committee in the other branch. But I wish to state this fact in justice to this commission: I doubt whether a percentage of cases which has been thrown out by the committee of the Senate from this report equals in number the percentage which has been thrown out of the favorable reports which have come to us from the other branch of Congress; that is, the percentage of cases which have been reported on are passed favorably by that committee and passed unfavorably by the committee of this branch has been a greater percentage than you find in this bill. My point is simply that we ought not to rely upon this commission any more than we should rely upon one committee in either branch to examine the cases and adopt them finally. It seems to me that it is very improper. I know full well when this commission was established it was the intention of those who drew the act that it should be merely an examination to get the evidence and testimony together, but that every case should be examined by some committee of Congress before it was reported upon. Now you give to these three men all the power, as we pass these bills, that you give to both committees in the two Houses of Congress; and it seems to me that this is not proper. It seems to me that a large number of these cases have usually been reported just at the end of Congress. There are some eleven hundred claims here which have been waiting, the claimants expecting that their claims would be granted, and here at this stage it is utterly impossible to examine these cases. Therefore it remains for the Senate to determine whether they will pass the bill as it stands or not.

Mr. PEASE. Allow me to suggest to the Senate just one point in explanation. This commission examined a large number of claims that they report they disallowed. Those claims I understand are not examined by committees of Congress. It is safe to say that at least 75 per cent. of them are disallowed by that commission. When they find that the claims are within the purview of the law, and the loyalty of the claimants and the amount of damages, &c., are clearly proven, they go to work and cut down the claims, many of them at least 50 per cent., and some of them more. I venture the assertion that the claims embodied in this bill do not represent more than 50 per cent. of the amount the claimants are really entitled to.

Mr. STEWART. I would state that the claims that are disallowed by one committee never go to another committee, because they do not pass the House and do not go before the other committee at all. It is only one in ten that they pass through the committee, and probably not one in twenty is approved after passing the committee. The claims that go to a committee and are rejected are not sent by that committee to the other House, and I doubt very much whether you will find the work of this commission more thorough than the work of a committee. But suppose it was really so, then it was intended that our committee should examine them. The object of this commission and the principal object of it at the time was to preserve testimony. It was not intended to be a judicial tribunal to determine; we would have given it the machinery of courts if we intended to make it so; we would have had somebody to appear for the United States and have provided for receiving legal testimony. In other words, we would have placed it on the same footing as the Court of Claims if its decisions were to have the validity and character of a judicial determination like those of the Court of Claims. There the United States appears in defense and requires legal testimony, not *ex parte* testimony and affidavits and the like, as before this commission. But here this commission operates very much like a committee; it takes the *ex parte* case and examines it and preserves the testimony, and then it goes before a committee of Congress. It is not asking too much that when this report comes in in bulk, a bulk large enough to carry it through and get it considered some time, and there is no danger about its not being considered, it should take a reasonable time to be considered in Congress. Now there are plenty of claims that come here, and some I hold in my hand that I would like to have considered. The Senator from Kentucky [Mr. STEVENSON] knows this is a perfectly just and legal demand. Parties have been trying for twenty years and cannot get their claims considered at all. I have tried for eight years to get a case through from Nevada, and I have not been able to get attention to it. There are plenty of claims of that kind that wait for years. Now if there could be commissions of this kind all over the United States to get together claims and put them in a position where they would go through by their own weight it would be a great gain and the claimants would consider themselves specially favored. Other claimants have to come here individually and wait session after session to have their claims passed upon. The claims that we have before us now are collected in a large mass, and they are bound to be considered by the next Congress. Therefore I say it is not asking too much, when the Government of the United States has gone to the expense of appointing a commission to take testimony and preserve it to give these claimants an opportunity to have their claims considered, that Congress should have an opportunity to consider them when its committees will be able to give due examination to them, and not pass them hurriedly upon *ex parte* testimony. You are treating this report of the commissioners the same as the judicial determination of the Court of Claims without giving these commissioners the same machinery. I have no doubt they have done their duty. They are excellent men I have not one word to say against the commissioners; but we should not pass upon these claims in a lump without any examination. When we give them this advantage over other claimants, when we are pre-

ferring these claimants to other claimants who are standing back, I say that we ought to take sufficient time in Congress to give them an investigation, or we ought to change the character of the commission and let the United States be represented there and require action not on *ex parte* testimony, but to have the cases heard on legal testimony, as in the Court of Claims, if we are to give its findings the character of a judicial determination.

Mr. HOWE. I wanted to ask the Senator from Pennsylvania what was the amount of the claim last struck out of this bill.

Mr. SCOTT. I do not now recall the gross amount, but the claim was for a very high price for tobacco and we brought it down very low. The aggregate amount I cannot tell without reference to the bill.

Mr. GORDON. Does the Senator refer to the amendment to this just voted on?

Mr. HOWE. Yes, sir.

Mr. GORDON. The bill was $28,000.

Mr. HOWE. Will one of the Senators state what were the circumstances that seem to have transmuted tobacco into commissary stores?

Mr. GORDON. I can read from the statement of the general who received it. He gives all the facts. He says first that he took it at Covington, Georgia, and he closes by saying, "I am under the impression that there were several wagon-loads taken at that time, and that on the return to the Army it was divided by my order equally among the regiments of my division."

Mr. SCOTT. It was taken by the Army moved out from Atlanta, or about the time of moving, when provisions were not very abundant and when General Sherman deemed it a matter of prudence to supply the Army with tobacco.

Mr. HOWE. Where was this warehouse?

Mr. GORDON. At Covington, in Georgia.

Mr. HOWE. What direction from Atlanta?

Mr. GORDON. Southeast.

Mr. HOWE. Was it taken after he had started?

Mr. GORDON. It was taken by order.

Mr. HOWE. Was it taken while the Army was on its march to Savannah?

Mr. GORDON. That is my recollection, but I am not positive about that. It was July 22, 1864, I see.

Mr. HOWE. There may be Senators on the floor who know some process by which tobacco can be transmitted into a commissary store, but I do not know of any. The general might have been abundantly justified in seizing this tobacco; but that he was authorized to issue tobacco to his troops and charge the United States with it, is a proposition which it will be very difficult to maintain to my satisfaction.

Mr. GORDON. Allow me to read three lines from General Sherman:

> I have no doubt tobacco was wanted at Covington, Georgia, on July 22, 1864, as at Atlanta, in September; but I never had any knowledge that any tobacco was there. Garrard's cavalry made a raid to Covington about that time.

Mr. HOWE. I have no doubt the tobacco was wanted at Covington on that day, and I have no doubt tobacco will be wanted in Washington to-day; but I do not think either of these facts authorizes any officer of the Army, in war or in peace, to take such a commodity as tobacco and distribute it among the Army and then call on the Treasury of the United States to pay for it.

Mr. SCOTT. I would suggest to the Senator from Georgia that while I would be very willing that this claim should be settled, I think nothing will be effected by putting it on this bill, as there is a separate bill reported for Mr. Harben; and as he could not come back here before the next Congress with his report, it would be perhaps as well to withdraw the amendment. The committee do not wish to embarrass the bill by amendments.

Mr. GORDON. If the Senator from Wisconsin insists on his objection, I shall not urge the amendment, as I do not want to embarrass this bill.

Mr. HOWE. The case is stricken out from the bill, then, I understand.

Mr. GORDON. It is not in the bill at all. I simply offered the amendment that the case may be sent to the commission for examination.

Mr. HOWE. I do not understand the effect to be to put it in the pending bill.

Mr. GORDON. Not as to the amount, but it is to go to the commissioners for examination and report.

Mr. HOWE. I do not think that is very objectionable.

Mr. GORDON. I withdraw the amendment.

The PRESIDING OFFICER. Permission is given to withdraw the amendment, if there be no objection.

Mr. TIPTON. Mr. President, claim No. 1053 was allowed by the commission for $1,645. It was returned to the commission, and it is now returned by the commission and the papers are on the files of the House. I move that this claim be added to the list.

Mr. EDMUNDS. What is the evidence of that?

Mr. TIPTON. The evidence is this letter of the clerk of the committee stating the fact which I have given to the Senate.

Mr. EDMUNDS. Let us hear the letter.

Mr. SCOTT. Let the amendment be read.

Mr. TIPTON. I send the letter to the Chair and ask to have it read.

The Secretary read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 3, 1875.

DEAR SIR: The case of F. & A. Schneider, (No. 1053 before the commissioners of claims,) was reported to Congress in their first annual report as allowed for $1,645. April 27, 1872, the case was returned to the commissioners at their request. Subsequently it was returned to the Clerk of the House, and is now on the files of the House. What their action was can be ascertained from the papers.

Very respectfully, yours,

H. H. SMITH,
Clerk Committee on War Claims.

Hon. T. W. TIPTON,
United States Senate.

Mr. SCOTT. The letter shows that this has not been examined. We do not know what their action was. In addition to that, if it had been upon the list, the commission under the act of 1872 would have sent the papers back. We have no papers here. The only manner they can have jurisdiction again is by sending it back.

Mr. EDMUNDS. Does the chairman of the Committee on Claims mean to say the certificate of this clerk of the Committee on War Claims is not sufficient to pass this claim?

Mr. SCOTT. I say it is not.

Mr. EDMUNDS. I shall have to vote against it, then.

Mr. TIPTON. The letter is all I know about the case. I supposed it was perfectly satisfactory, as showing that the case has been already examined and ought to be put upon the list. If so, it will go back to the House committee, as I understand, to examine the papers and allow the claim or reject it.

The amendment was rejected.

Mr. STEWART. I should like to ask a question of the Senators from Georgia. I see there are in this bill one hundred and forty odd cases from the State of Georgia. I ask the Senators if either of them knows any of these parties or knew them during the war?

Mr. NORWOOD. I can look over the list and see whom I know. If the Senator intends to kill the bill, let him say so.

Mr. CONKLING. In my opinion no Senator who votes for or against this bill can hide himself behind any excuse which does not obtain in the case of every bill on which he votes. It is not true in history or in law or in fact that there is any court behind whose judgment we can stand in skulking and shrinking from the responsibility of this legislation. I well remember, without referring to the records, the debate which brought into existence the southern claims commission. Nobody, it will be found, then insisted, I might say that no friend of the creation of the commission dared insist, that this commission was to be a court or tantamount to a court. On the contrary, every such allegation was stoutly denied and contested. The Senator from Missouri not now here, [Mr. Blair,] who was perhaps as active as any member of the Senate in his championship of the measure, denied and repelled the allegation that the action of the southern claims commission was ever to become binding in any sense, *prima facie* or otherwise, upon Congress or any of its committees. It was said that the province of the commission was to be to perpetuate testimony, to do that which should prevent the tooth of time gnawing away the evidence that these claimants had, and which should also prevent untruthful and fabricated testimony taking the place of truth when the opportunity to investigate had forever passed away. This commission was created for that. If it was created for anything else, one of its purposes was denied all the time by those who voted for its creation; and now in a great number of cases of which I shall speak in a moment, testimony has been presented to this commission—not a court; not a tribunal equipped with the machinery of judicial investigation, but to sit and listen, without even the opportunities and functions of a committee of this body, to such testimony and allegations, whether admissible in a court of justice or not, as might be presented to them.

Mr. SPENCER. Allow me to interrupt the Senator. He must be aware that this commission have special agents in every State that they send out to make investigations in addition to the investigations they make here in this city.

Mr. CONKLING. The Senator could not have listened to what I have been saying. I was aware of that; I had been aware of that all the time. I was about to say that having received in many cases testimony, the commission has transmitted that testimony, as to the facts in the case, to Congress. Did the Senator from Alabama interrupt me in order to suggest to the Senate that this is like a judgment in its attributes? Let me remind him of a thing that happened in the last days of the last session of Congress. The commission having transmitted here the facts in a certain case that I well remember, and having with hot-foot followed what they said by a statement that they were mistaken, that they desired the claim to be re-examined, the Senate sitting as a court of first instance passed that claim somewhat hastily, involving, if my recollection is right, $63,000. So much deference did the Senate pay to the statement of this commission when it was adverse to a claim which the commission had examined.

Now I come back to say that for which I mainly rose, and I shall be very brief. Eleven hundred and sixty-one cases are here. They were until very recently in the House. These cases demand from the Treasury, according to this bill, $700,000 in round numbers; and to me and to every other Senator is put the question, I hope by a call of the yeas and nays, whether upon the action of our committee and the facts before us we, as trustees of the public money, can vote $700,000 to these proposed recipients. What are we told to-day?

These cases come here, not having been examined at all. Any Senator who can reconcile himself to this action might fall back upon what my honorable friend has been pleased to term the *prima facies* of the case, or a presumption growing out of the action of the commission; but that is denied to us. We are driven from a refuge like that. Why? We are told that a certain number of the cases was given to each of the acting members of our committee for examination, and so some sixty cases, more or less, were sampled out, as the Senator from Vermont expresses it, and of these sixty, seven cases turn out to be tainted with some sin or other. I use that term to express the idea in a single phrase. Thus we have a very large percentage of all the cases which have been examined found bad, and that information brought and stated to us in the regular way.

But, Mr. President, the sampling is worse than that. The chairman of the committee, [Mr. SCOTT,] whose probity, whose astuteness, whose learning no man who knows him doubts, investigated eight of these cases and he found exactly one-fourth of them unfit for the sampling. Two of the eight he pronounces bad. The Senator from Iowa [Mr. WRIGHT] who takes pains as we all know to discharge his duty and who will not be suspected of neglecting it by anybody who knows him, accustomed as a judicial officer to this species of inquiry, sat down to his duty and found one in the eight cases referred to him positively bad, and two others so nearly bad that he tells us in measured phrase that had he been inquiring in the first place he would not have recommended them. Twice eight are sixteen. We have sixteen cases examined by the only two members of the committee who have told us their experience, and out of those sixteen cases we find five not fit to be speeded. We hear nothing from other members of the committee. My honorable friend from Alabama who is a member of the committee [Mr. GOLDTHWAITE] has not seen fit to tell us what fortune he met with in the eight cases he subjected to scrutiny; and so of other members of the committee; but we do know that four or five cases in sixteen examined turn out to be bad. So as the result of the sampling, seven or eight cases out of sixty are reported to be bad, and one thousand and ninety-one cases were never examined at all.

How came this? Not from the fault of the committee. They need no apology respecting this, because the 23d of February was the day when the bill went to them, and from that day to the end of this session of Congress would not give them time enough to make the examination; but selecting at hazard here and there from sixty cases, we find a large percentage of dishonest ingredient, for that is what it is; and we have one thousand and ninety-one cases never investigated at all. Continue the process of sampling, and what would be the result? We know not.

Let us see what we are asked to do. We are asked to record our votes in favor of paying a large sum of money when, driven from the *prima facies* which might have shielded it, are facts bringing to us not presumptive or constructive notice but notice in fact that a large number of these proposed recipients have no claim at all, but that on the contrary they are attempting to filch money from the Government without right or reason.

I have said this—much more than I intended to say when I rose—in order that the Senator from Alabama, who left his seat in front of me a moment ago, might not be left to suppose that from some vague and indefinite reason, from some half-formed or floating hesitation, I am ready to vote against this bill. I wish that Senator and every other Senator who feels that his faith reposes in the least degree on the merits of these claims, to understand that I want every meritorious claimant to receive his due, and I want him to understand why it is that I cannot consent to lump together the unfortunate and the knavish, the meritorious and the dishonest, and with notice laid at my door that here is dishonesty, that here is destitution of lawful or honest claim, why it is that I cannot in response to my name say that notwithstanding all that I shall have to vote for such as might turn out to be honest and I will in addition do it in such a way as to pay also those that I know to be dishonest. As far as we have any knowledge on the subject, unfortunately that is the mode in which it is presented to us. The honorable Senator from Nevada made no mistake when he said that the very assembling of these claimants, their very multitude in body would prevent their memory from drifting down the stream of time. Year after year, in season and out of season, we are met by solitary mendicants beseeching justice and relief from us. The number of these claimants, then being segregated from all other claimants and lumped together, will insure them a hearing. And I think he was right in saying that it is our duty so to act that some committee of this body may examine these cases that Congress may have something to rely upon before it pays the money, as would be done in the case of the smallest claimant who presented an individual claim.

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

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

The bill was read the third time.

Mr. MORRILL, of Vermont. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 30, nays 12; as follows:

YEAS—Messrs. Alcorn, Anthony, Bayard, Bogy, Clayton, Cooper, Davis, Dorsey, Flanagan, Goldthwaite, Gordon, Hamilton of Maryland, Hamilton of Texas, Hitchcock, Johnston, McCreery, Merrimon, Mitchell, Norwood, Pease, Pratt, Ransom, Saulsbury, Schurz, Scott, Spencer, Sprague, Stevenson, Thurman, and West—30.

NAYS—Messrs. Allison, Conkling, Edmunds, Hamlin, Howe, Logan, Morrill of Vermont, Sargent, Sherman, Stewart, Washburn, and Wright—12.

ABSENT—Messrs. Boreman, Boutwell, Brownlow, Cameron, Carpenter, Chandler, Conover, Cragin, Dennis, Eaton, Fenton, Ferry of Connecticut, Ferry of Michigan, Frelinghuysen, Gilbert, Hager, Harvey, Ingalls, Jones, Kelly, Lewis, Morrill of Maine, Morton, Oglesby, Patterson, Ramsey, Robertson, Stockton, Tipton, Wadleigh, and Windom—31.

So the bill was passed.

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:

A bill (S. No. 951) for the relief of John Montgomery and Thomas E. Williams;

A bill (S. No. 1125) for the relief of the Terre Haute and Indianapolis Railroad Company, successor of the Terre Haute and Richmond Railroad Company, in the State of Indiana;

A bill (S. No. 271) for the relief of Frances A. Robinson, administratrix of the estate of John M. Robinson; and

A bill (S. No. 819) for the relief of George W. Dawson.

The message also announced that the House had passed a resolution to print the eulogies delivered on the occasion of the announcement of the death of Mr. Samuel Hooper, Mr. Samuel F. Hersey, Mr. Alvah Crocker, and Mr. J. B. Rice in the House of Representatives.

PRINTING OF EULOGIES.

The VICE-PRESIDENT laid before the Senate the following resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That ten thousand copies of the eulogies delivered in the two Houses of Congress upon the death of the late members of this House, Messrs. Hooper, Hersey, Crocker, and Rice, be printed in the usual form; seven thousand of which shall be for the use of the House of Representatives, and three thousand for the use of the Senate.

Mr. ANTHONY. I am instructed by the Committee on Printing, to whom was referred the resolution of the House of Representatives for the printing of the eulogies delivered upon the death of the late members of the House, to report it back at once, and to ask its present consideration.

The resolution was considered, by unanimous consent, and concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 55) to authorize the purchase of a site for a public building at Topeka, Kansas;

A bill (S. No. 1019) to make an appropriation for public buildings at Covington, Kentucky;

A bill (S. No. 1230) to authorize the construction of a ponton wagon-bridge across the Mississippi River, at or near the city of Dubuque, in the State of Iowa;

A bill (S. No. 1097) to donate to the State of Oregon a public building lot and material situated at The Dalles, Oregon;

A bill (S. No. 1222) to authorize the trustees of the Freemen's Benevolent Association to sell and convey square No. 272, in the city of Washington; and

A bill (S. No. 1297) to provide for the republication of the first volume of the Patent Office Gazette.

ENROLLED BILLS SIGNED.

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

A bill (H. R. No. 3884) granting a pension to Mary C. Toy;

A bill (H. R. No. 2073) restricting the refunding of customs duties and prescribing certain regulations of the Treasury Department;

A bill (S. No. 671) for the relief of Alexander Minor, of West Virginia;

A bill (S. No. 807) for the relief of Washington Crosland;

A bill (S. No. 28) to set apart a certain portion of the island of Mackinac in the Straits of Mackinac, within the State of Michigan, as a national park;

A bill (S. No. 608) granting the right of way through the public lands to construct and maintain a railroad;

A bill (S. No. 710) for the relief of E. Laws, chief engineer United States Navy;

A bill (S. No. 524) to protect the timber lands of the United States, Government reservations, and lands purchased by the United States;

A bill (S. No. 878) for the relief of Rosa Vertner Jeffreys;

A bill (S. No. 867) to correct a clerical error in the act granting the right of way through the public lands to the Denver and Rio Grande Railway Company, approved June 8, 1872;

A bill (S. No. 912) to annex certain land to reservation No. 21, occupied by the Department of Agriculture;

A bill (S. No. 898) to authorize the settlement of the accounts of Assistant Paymaster E. Mellach, United States Navy;

A bill (S. No. 378) granting to railroads the right of way through the public lands of the United States;

A bill (H. R. No. 3923) authorizing the Secretary of War to deliver certain condemned ordnance to the Joseph Warren Monument Association, of Boston, Massachusetts, for monumental purposes;

A bill (H. R. No. 4858) to authorize the Commissioner of Patents to sign the certificate of extension of letters-patent No. 28470, granted to Frederick T. Grant, May 29, 1860, upon a sliver-machine; and

Joint resolution (H. R. No. 162) explanatory of an act entitled "An act fixing the number of paymasters in the Army of the United States," approved March 2, 1875.

PAYMENT OF CLAIMS.

Mr. SCOTT. I ask for the consideration next of House bill No. 4847, making appropriations for the payment of claims reported to Congress under the second section of the act approved June 16, 1874, by the Secretary of the Treasury. This is a general bill, which it becomes necessary to pass under an act of last session which requires these claims to be sent to Congress for payment; claims which were before paid by the Commissary-General and Quartermaster-General.

Mr. EDMUNDS. I believe the Committee on Claims has had its hour and considerably more. I move that the Senate take a recess until ten o'clock.

["No." "No."]

Mr. SCOTT. I made a motion, and I suppose it is to be disposed of by the Senate. I wish to make a statement in justice to myself and others. I have been asked by Senators and others to call up individual bills. This bill embraces claims awarded to citizens of nearly every State in the Union, I believe, appropriating about $111,000. I feel it my duty to call it up. I have had, as the Senator from Vermont says, an hour allotted to me. I am not thrusting myself on the courtesy of the Senate. I am endeavoring to perform a duty, and I will state that if further time is allowed I will call up individual claims, many of which I think will lead to no debate, they having been already passed by the House of Representatives. If, however, the Senator from Vermont desires to take the sense of the Senate on the question of allowing the committee no further time, I shall have to yield gracefully.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan.) The Chair will remind the Senator that at the conclusion of the time allotted to the Senator from Pennsylvania for one hour the understanding was that fifteen minutes should be accorded the Senator from New Hampshire.

Mr. CRAGIN. I hope I shall not take that long.

Mr. MORRILL, of Vermont. Will not the Senators allow me to call up and secure the passage of a bill which will not take any money out of the Treasury?

The PRESIDING OFFICER. The Senator from Vermont [Mr. EDMUNDS] has moved that the Senate take a recess until ten o'clock, which motion has priority. The question is on that motion.

The motion was not agreed to; there being on a division—ayes 6, noes 32.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Pennsylvania, [Mr. SCOTT.]

Mr. WRIGHT. I want to make a suggestion. I think the bill which the Senator from Pennsylvania has called up is important and ought to be disposed of. I suggest that when we dispose of that bill and the Senator from New Hampshire shall have had his fifteen minutes, in all conscience and fairness the chairman of the Committee on Pensions ought to have an opportunity for his bills. I think that is fair and right and we ought to agree to it.

Mr. EDMUNDS. But instead of pension bills, we have claim bills and nothing else. Instead of the Senator from Pennsylvania having an hour, he has had four or five hours. He is not to blame for it; I am not criticising him. Besides, he has passed a long bill without its being read. Now I think we ought to pass no more claims bills until we dispose of the pensions. I am willing to stay here until twelve o'clock at noon, when my time will expire, for the purpose of doing justice; but unless the pension bills are fairly taken up and disposed of I pledge myself to give what strength I have to resist the taking up of anything out of order.

Mr. CRAGIN. I hope the bill moved by the Senator from Pennsylvania will not be taken up. The chairman of the Committee on Claims was given an hour by the unanimous consent of the Senate. I made no objection, although I had a prior claim. I now ask, according to the understanding, that I may have a few minutes to call up bills from the Committee on Naval Affairs. Our bills are very simple and can be disposed of in ten minutes.

Mr. EDMUNDS. I object. The Senator can take one bill at a time by a vote of the Senate.

Mr. SCOTT. I simply wish to say that I have no urgency on the subject. I admit the whole force of what the Senator from New Hampshire states. I only say the bill I move to take up is now made necessary by an act of the last session. Heretofore these claims were examined by the Quartermaster-General and Commissary-General and Third Auditor, and paid at the Treasury; but the act of last session makes it necessary to report them to Congress for us to appropriate for them. They come from many States and Territories. I submit the matter to the judgment of the Senate. I shall make no complaint of they refuse to take the bill up and give the time to the Senator from New Hampshire. I have discharged my duty in bringing it to the attention of the Senate.

Mr. HOWE. I want to repeat once more in the hearing of the Senate that here is a bill in my hand the like of which lies on the table. The Engineer Department say they must have permission to apply $25,000 of money already appropriated out of the $800,000 you appropriated this year and last for the improvement of the Fox and Wisconsin Rivers—that they must have permission to apply something like $25,000 to obtaining the right of way. The House has passed this bill allowing that to be done. The Committee on Commerce has reported the bill favorably. I submitted the bill to the chairman of the Committee on the Judiciary, who assented to it.

Mr. EDMUNDS. With a modification.

Mr. HOWE. With amendments. The bill must be amended to meet the views of the Committee on Commerce and the views of the chairman of the Committee on the Judiciary, and being acted on, must go back to the House of Representatives. To carry on this work for which you appropriate $800,000, the bill must pass. The State of Wisconsin has not had much business pertaining to her at this session of Congress. I have sat here all night in the hope of finding an opportunity to have this bill considered when I could do so without interfering with leading measures before the Senate. I now ask the courtesy of the Senate to let this bill be put on its passage. Whenever I have asked it before, I have been told, "Not this time; in a more fitting season we will hear you." Now I am told that it is the unanimous agreement of the Senate that the Committee on Naval Affairs shall be heard until their business is disposed of, and then I am told it is the unanimous agreement of the Senate that the Committee on Pensions shall be heard until their business is exhausted. Whatever the Senate unanimously agree to, or a majority do, of course I must submit to; but it does really seem to me that I have a right to ask the Senate to consider this bill. It would occupy perhaps three minutes. In the fourteen years I have been here I do not believe I ever raised an objection or made a motion to prevent the transaction of business. Unless I had good grounds for believing that a particular piece of business ought not to be done, I have not opposed the transacting of that particular business. I am not going to antagonize with the Senator from New Hampshire; but I do not want the Senate to jump to the conclusion that every other item of business shall be transacted before this bill shall be considered. I think I ought to have the privilege of moving this bill after the Senator from New Hampshire shall have concluded.

Mr. PEASE. I rise to ask what is the question before the Senate.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania to take up House bill No. 4847.

The question being put, a division was called for, and the ayes were 18 and the noes 16; no quorum voting.

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

The yeas and nays were ordered; and being taken, resulted—yeas 24, nays 16; as follows:

YEAS—Messrs. Alcorn, Bogy, Clayton, Cooper, Davis, Goldthwaite, Gordon, Hamilton of Maryland, Hitchcock, Johnston, McCreery, Merrimon, Mitchell, Norwood, Pease, Ransom, Schurz, Sherman, Sprague, Stevenson, Stewart, Thurman, Washburn, and Wright—24.

NAYS—Messrs. Allison, Anthony, Boutwell, Conkling, Cragin, Edmunds, Ferry of Michigan, Hamilton of Texas, Hamlin, Harvey, Howe, Ingalls, Logan, Morrill of Vermont, Oglesby, and Pratt—16.

ABSENT—Messrs. Bayard, Boreman, Brownlow, Cameron, Carpenter, Chandler, Conover, Dennis, Dorsey, Eaton, Fenton, Ferry of Connecticut, Flanagan, Frelinghuysen, Gilbert, Hager, Jones, Kelly, Lewis, Morrill of Maine, Morton, Patterson, Ramsey, Robertson, Sargent, Saulsbury, Scott, Spencer, Stockton, Tipton, Wadleigh, West, and Windom—33.

Mr. SCOTT. I have already stated the nature of the bill.

Mr. GORDON. I wish to make a statement in reference to a bill that the Senate ought to pass, and I ask my friend from Pennsylvania to allow me to call it up and state one fact.

Mr. SCOTT. I think we had better go on with this bill.

Mr. GORDON. I only want to say that we have passed a bill appropriating $50,000 to commence the erection of a public building at Atlanta. It is undetermined of what material the building shall be. A bill has passed the House of Representatives leaving it to the discretion of the architect to determine what it shall be within certain limits. We have an abundance of granite in the immediate neighborhood of Atlanta which can very well be used, and the bill leaves it to the discretion of the architect. I want to call it up because it is important to have action on the subject.

Mr. SCOTT. In view of the circumstances under which this bill comes before the Senate I cannot consent to yield.

The PRESIDING OFFICER. The bill (H. R. No. 4847) making appropriations for the payment of claims reported to Congress under section 2 of the act approved June 16, 1874, by the Secretary of the Treasury is before the Senate as in Committee of the Whole.

Mr. SCOTT. The act under which this bill comes before the Senate I will read:

SEC. 2. That all balances of appropriations, for whatever account, made for the service of the Departments of the Quartermaster-General and of the Commissary-General of Subsistence prior to July 1, 1872, which on the 30th day of June, 1874, shall remain on the books of the Treasury, shall be carried to the surplus fund, except such as the Auditor of the Treasury, whose duty it is to settle accounts against such appropriations shall certify to the Secretary of the Treasury to be necessary in the settlement of such accounts as have been reported to him for payment by the Quartermaster and the Commissary Departments pending in his office. And the Quartermaster-General, Commissary-General, and Third Auditor of the Treasury shall continue to receive, examine, and consider the justice and validity of such claims as shall be brought before them under the act of July 4, 1864, and the acts amendatory thereof; and the Secretary of the Treasury shall make report of each

claim allowed by them, at the commencement of each session of Congress to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration.

That report is made in House Executive Document No. 107. This bill is based upon it, and appropriates for claims found by the Quartermaster-General and the Commissary-General and the Third Auditor and the Second Comptroller of the Treasury. They have passed this examination. With that statement, there is nothing in the bill but the appropriation to these claimants of the amounts found due. I ask the Senate to pass it. Perhaps no Senator will desire to hear it read, and we may pass it by the enacting clause only.

Mr. EDMUNDS. I was going to suggest that we might pass it by reading the enacting clause, but on the whole I think we had better have the bill read through.

Mr. SCOTT. It is simply an appropriation to pay the claims reported.

The PRESIDING OFFICER. The bill will be read at length.

The bill was read.

Mr. EDMUNDS. I should be glad to know when this bill was referred to any committee, if the Secretary can inform me.

The VICE-PRESIDENT. The bill was referred on the 1st of March and reported on the 2d without amendment.

Mr. EDMUNDS. Is there any written report with the bill?

The VICE-PRESIDENT. There is no written report.

Mr. EDMUNDS. Are there any papers accompanying it from the House of Representatives?

Mr. SCOTT. I can answer that there are not. The papers are very voluminous. They were sent from the House to the committee-room, and we had already had a very large installment from the commissioners of claim. I sent my clerk to the House of Representatives to bring over some of them and had him examine and compare the bill with the report and some of the papers there.

Mr. EDMUNDS. Was there a written report in the House of Representatives?

Mr. SCOTT. No written report, but accompanying the bill there was a letter of the Secretary of the Treasury sending in the report of the commission.

Mr. EDMUNDS. Then, as far as I understand it, this bill comes here under the act of the 16th of June, 1874, providing—

That all balances of appropriations, for whatever account, made for the service of the Departments of the Quartermaster-General and of the Commissary-General of Subsistence, prior to July 1, 1872, which on the 30th day of June, 1874, shall remain on the books of the Treasury, shall be carried to the surplus fund, except such as the Auditor of the Treasury, whose duty it is to settle accounts against such appropriations, shall certify to the Secretary of the Treasury to be necessary in the settlement of such accounts as have been reported to him for payment by the Quartermaster's and the Commissary Departments pending in his office. And the Quartermaster-General, Commissary-General, and Third Auditor of the Treasury shall continue to receive, examine, and consider the justice and validity of such claims as shall be brought before them under the act of July 4, 1864, and the acts amendatory thereof; and the Secretary of the Treasury shall make report of each claim allowed by them, at the commencement of each session of Congress, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration.

We have in the consideration of the House of Representatives no written report on these claims as I understand. There are nearly two hundred and fifty claims in this bill; more than that, the Senator says. We have no finding, no investigation by a committee of the House of Representatives or by a committee of this body which they put in a form of a record to show what the character of these claims is. A mass of papers is sent to the House of Representatives. What consideration those papers received, how far they were investigated, what were the conclusions in each particular case and the reasons for them, no man knows. Whether they fall within the category named in the act to which I am referred by my friend from Pennsylvania as being those admissible under the act of 1874, no man can tell except that, as my friend from Pennsylvania says, his clerk compared a portion of them.

I do not wish to be misunderstood, Mr. President, and to have it said by any person that I am imputing laches to my friend from Pennsylvania or to the Committee on Claims. Far from it. I know they have been burdened, overburdened with a stress of claims preceding these. I only say in the interest of justice and fair play that we are entitled preceding the consideration of this bill to have their judgment upon this vast number of claims involving how much money I do not know; perhaps the Senator can tell me.

Mr. SCOTT. About $111,000.

Mr. EDMUNDS. About $111,000; and it has been totally impossible for that committee to be able to tell us that they know, or that any one of the members of the committee knows or is of the opinion that a single one of these claims upon the examination of any member of the committee falls within the description of claims the statute directed to be reported to Congress.

I submit, Mr. President, to my friend from Pennsylvania, and I submit to the Senators from every State, some of whose constituents are interested in this bill, whether it is just to public interest, whether it is just to the people who toil to pay taxes and whose toil is to pay this money, for you to decide these claims in advance against them until you do know that they are just charges upon the labor of the people. That we do not know. The Senator himself states, with the candor which always has characterized his honorable career, that he has not been enabled to examine these claims in detail. He has done the best he could, which was to do no other thing than to have such clerks and such persons as he could employ find a part of these papers from the House of Representatives, not all, and have them compared with the list of the names in this bill. That is to say, I suppose, that it appeared to the clerk of the Committee on Claims (who I have no doubt did his duty with ability) that it seemed from these reports from the Quartermaster's and Commissary Department that there was figured up for Calvin Chandler, for illustration, the sum of $427.40. Whether upon the facts reported from the Quartermaster's Department Calvin Chandler is entitled under this act of 1874 to be considered at all, whether his claim was for quartermaster's stores furnished upon due vouchers under the circumstances that the act of 1864 required, remains to be ascertained. I submit to my friend from Pennsylvania whether I am not right in putting the case in that way? and I pause for a reply, as the orators say.

Mr. SCOTT. I will reply to the Senator's statement—not at length, but very briefly.

Mr. President, the act of Congress to which reference has been made was for the purpose of covering into the Treasury at the end of the year the funds applicable to the payment of the awards made by the Quartermaster's and Commissary Departments and examined by the Third Auditor and Second Comptroller of the Treasury. I have not had time since the bill came over to look into the discussion on the act of Congress which followed the report which was made to the House showing the very large number of claims in both these departments that had been pending for a number of years and were still pending; but some proposal was made, if my recollection serves me aright, to transfer the jurisdiction of these claims from those departments to some other tribunal, perhaps the commissioners of claims, or to increase the number of the Court of Claims. At all events this act was the result, so that we now have a report made annually to Congress of the number of these claims which were then reported as pending that have been disposed of, and the amount that has been appropriated to them. We then have the award of the same officers who had previously been examining these cases and paying them out of the fund appropriated for the purpose of meeting them.

I will be as candid as the Senator from Vermont gives me credit for being in saying that it will be utterly impracticable for any committee of Congress, burdened as the Claims Committee is, to take up these cases and examine them as they have been investigated in the Departments, and I did not suppose for one moment that it was expected that the committees of Congress would again take up the papers that had been examined in the Departments in these cases and go over them as a judge would in trying cases; but that the report of the officers who had previously been invested with authority to examine and decide upon these cases was made annually for the purpose of having annual appropriations made instead of their being paid as they were heretofore without any knowledge on the part of Congress of how many cases were pending or how many were reported. The cases have not been examined at any great length.

I have brought the bill in here in pursuance of that authority and made the statement as I do in reference to the other cases. If it be the opinion of the Senate that the committee should take up time in re-examining these cases and that for that reason this bill should go over, I have not one word of dissent to it. But it involves a large number of parties whose cases have been under examination for a long time in the Departments, and running through a number of States. I deem it my duty, as in the other case, to bring the bill before the Senate for their action, and I have done what I supposed to be the duty that was expected of the Committee on Claims and of the chairman; but if we have been mistaken in that we should be very glad to be corrected by the action of the Senate.

Mr. GOLDTHWAITE. In the discussion which took place a few minutes since in relation to the southern claims bill reported from the Committee on Claims, I understood the Senator from New York [Mr. CONKLING] to mention the Senator from Alabama in connection with that question as being a member of the Committee on Claims. I do not know precisely what the allusion was that he made, and I will thank him to correct me if I am wrong. What did the Senator say in relation to it?

Mr. CONKLING. I made no allusion whatever to the Senator from Alabama, excepting this: I said that the Senator from Pennsylvania had given us the result of his investigation of the cases he took, that the Senator from Iowa had done the same thing, that we had heard from no other member of the committee; and seeing the Senator from Alabama in his seat and seeing no other member of the Committee on Claims, I said that my friend from Alabama whom I saw before me had not given us the result of his investigation, and therefore we did not know what the percentage of the improper claims, the illegal claims, the dishonest claims there were among those that he examined and ascertained. That was my allusion to the Senator, and I made no other allusion to him whatever.

Mr. GOLDTHWAITE. I am very glad to hear it. It affords me great pleasure to hear the Senator say that. As a member of the committee that reported this bill, I will inform the Senate how I arrived at a correct conclusion.

So far as the claims are concerned, the Senator knows I presume that they are printed upon forms which render them easy of investigation, but that necessarily depends upon circumstances. The course I uniformly adopted was first to read the memorial or the petition, next to examine the papers of the petitioner and see whether they

conflicted with the facts stated in the memorial. Having fixed this upon my mind, I then looked into the report which was made in every case by the officers and examined it. I believe that I had the advantage also of consulting the member of the other House who reported on the case there from the War Claims Committee. Having that basis to act upon, I arrived at as correct a conclusion upon the facts as it was possible for me to do. Undoubtedly, sir, with the great amount of duties which rest upon the members of the committee, errors necessarily follow; it is impossible to avoid them altogether. We might as well expect a judge upon the bench not to err occasionally in his decisions, even with the facts before him, and we know that the ecclesiastical courts of England occasionally err in arriving at a correct conclusion on facts. All I can do, sir, is to examine the case, and arrive as near the truth as is possible after looking at the facts and examining into the law, and then give my views in a succinct manner.

If the gentleman can instruct me in a better course I shall feel great pleasure in receiving his instructions, but until he does I must of course be allowed to take my own course.

Mr. CONKLING. The Senator from Alabama seems still to misunderstand me, or he has been misinformed in respect to the allusion I made to him. Members of the committee had stated how many cases they had in charge and how many they disapproved of; and all I said about the honorable Senator was that he had not told us what his experience was in that regard; and I now wish to add what I need hardly add so far as the Senator himself is concerned, that I would be entirely incapable of making a disrespectful or unkind allusion to him. The Senator knows very well that the personal relations between us for a long time have been such as to exclude the idea that I could refer to him in any mode of disrespect or unfriendliness.

Mr. GOLDTHWAITE. I am happy to hear it, sir. I am entirely satisfied. I am very much obliged to the Senator from New York and reciprocate his kind feeling.

Mr. PRATT. I move to lay the pending measure upon the table. I make that motion, sir, with reluctance, but I feel called upon from a sense of duty to do it. The chairman of the Committee on Naval Affairs desires ten or fifteen minutes to dispose of matters in his charge; and I am very anxious to dispose of the matters in my charge as chairman of the Committee on Pensions, and I am in hopes that I shall have the indulgence of the Senate, after he disposes of his cases, to take up and dispose of these measures.

The VICE-PRESIDENT. The Senator from Indiana moves to lay the bill on the table.

The question being put, there were on a division—ayes 13, noes 13; no quorum voting.

Mr. SPENCER called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 17, nays 19; as follows:

YEAS—Messrs. Boutwell, Conkling, Cragin, Edmunds, Ferry of Michigan, Frelinghuysen, Hitchcock, Howe, Ingalls, Johnston, Logan, Morrill of Vermont, Oglesby, Pratt, Stewart, Wadleigh, and Wright—17.

NAYS—Messrs. Alcorn, Bayard, Bogy, Cooper, Davis, Flanagan, Goldthwaite, Gordon, McCreery, Merrimon, Mitchell, Norwood, Pease, Ransom, Saulsbury, Schurz, Scott, Spencer, and Sprague—19.

ABSENT—Messrs. Allison, Anthony, Boreman, Brownlow, Cameron, Carpenter, Chandler, Clayton, Conover, Dennis, Dorsey, Eaton, Fenton, Ferry of Connecticut, Gilbert, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Harvey, Jones, Kelly, Lewis, Morrill of Maine, Morton, Patterson, Ramsey, Robertson, Sargent, Sherman, Stevenson, Stockton, Thurman, Tipton, Washburn, West, and Windom—37.

The VICE-PRESIDENT. There is not a quorum voting.

Mr. EDMUNDS. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators. I am astonished that at this stage of the session we should find ourselves without a quorum.

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

The motion was agreed to.

Mr. HAMILTON, of Texas. I declined to vote when my name was called for the reason that it would be considered very ungracious for me to vote against my own countrymen, and they were the principal beneficiaries in this bill. I think these claims ought to be considered both by the committee of the House and of the Senate. I will now vote in the affirmative to make a quorum.

Mr. EDMUNDS. It cannot be done now. A vote cannot be received after the result is announced.

Mr. ALLISON. I should like to vote on something.

The VICE-PRESIDENT. The Sergeant-at-Arms reports a quorum present.

Mr. EDMUNDS. The Sergeant-at-Arms cannot report any quorum present.

The VICE-PRESIDENT. The Chair will announce the fact that a quorum is present.

Mr. EDMUNDS. Then I should like to have the question put again by yeas and nays upon the motion on which we failed to have a quorum.

The VICE-PRESIDENT. The Secretary will call the yeas and nays on the motion.

Mr. EDMUNDS. Will the Chair be kind enough to state what the question is?

The VICE-PRESIDENT. The question is on the motion of the Senator from Indiana to lay the bill on the table.

Mr. EDMUNDS. Can we proceed with business as long as we have an unexecuted order of the Senate requiring the Sergeant-at-Arms to request the attendance of absentees?

The VICE-PRESIDENT. The Chair understood the Senator from Vermont to make a motion that the Sergeant-at-Arms be required to request the attendance of absent members. Several members have come in since and there is evidently a quorum present.

Mr. EDMUNDS. Then, assuming that to be so, I move that the further execution of the order be suspended.

The VICE-PRESIDENT. The Senator from Vermont moves that the execution of the order of the Senate directing the Sergeant-at-Arms to request the attendance of absentees be suspended.

The motion was agreed to.

Mr. EDMUNDS. Now, if the Chair will be kind enough to state the question, we can take the yeas and nays upon it.

The VICE-PRESIDENT. The Senator from Indiana [Mr. PRATT] has moved to lay on the table House bill No. 4847, and on that motion the question will now be taken by yeas and nays.

The question being taken by yeas and nays, resulted—yeas 17, nays 22; as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Conkling, Cragin, Edmunds, Frelinghuysen, Hamilton of Texas, Hitchcock, Howe, Ingalls, Morrill of Vermont, Oglesby, Pratt, Stewart, Wadleigh, and Wright—17.

NAYS—Messrs. Alcorn, Bayard, Bogy, Clayton, Cooper, Dorsey, Flanagan, Goldthwaite, Gordon, Johnston, Kelly, McCreery, Merrimon, Mitchell, Pease, Ransom, Saulsbury, Schurz, Scott, Spencer, Sprague, and Thurman—22.

ABSENT—Messrs. Boreman, Brownlow, Cameron, Carpenter, Chandler, Conover, Davis, Dennis, Eaton, Fenton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Hager, Hamilton of Maryland, Hamlin, Harvey, Jones, Lewis, Logan, Morrill of Maine, Morton, Norwood, Patterson, Ramsey, Robertson, Sargent, Sherman, Stevenson, Stockton, Tipton, Washburn, West, and Windom—34.

So the Senate refused to lay the bill on the table.

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:

A bill (S. No. 1240) to extend the time within which the board of audit for the District of Columbia may receive, audit, and allow certain claims that have never been presented to said board;

A bill (S. No. 1270) to authorize the purchase of a site for public buildings at Harrisburgh, Pennsylvania;

A bill (S. No. 1296) to authorize the acceptance, in behalf of the United States of America, of certain real property occupied by the United States consul at Tunis;

A bill (S. No. 1237) to amend section numbered 3342 of the Revised Statutes of the United States, in relation to affixing stamps on brewers' casks;

A bill (S. No. 1185) for the relief of F. V. Hayden;

A bill (S. No. 1156) for the relief of Joseph H. Colton; and

A bill (S. No. 468) authorizing the coinage of a twenty-cent piece of silver at the mints of the United States.

The message also announced that the House had passed a bill (H. R. No. 3828) to provide judicial remedies for overcharge of duties on tonnage and imports; in which it requested the concurrence of the Senate.

REPORTS OF COMMITTEES.

Mr. WASHBURN, from the Committee on Claims, to whom was referred the bill (H. R. No. 2691) for the relief of Flora A. Darling, of New Hampshire, ask to be discharged from its further consideration, and moved that it be indefinitely postponed; which was agreed to.

Mr. SPRAGUE, from the Committee on Public Lands, to whom was referred the bill (S. No. 33) granting the right of way to the Birmingham and Saint Louis Railroad Company through the public domain, and for other purposes, reported it with amendments.

DEFICIENCY APPROPRIATION BILL.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 4851) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1875, and prior years, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon and had appointed Mr. ISAAC C. PARKER of Missouri, Mr. JOHN T. AVERILL of Minnesota, and Mr. WILLIAM E. NIBLACK of Indiana, managers at the same on its part.

The Senate proceeded to consider its amendments to the bill (H. R. No. 4851) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1875, and prior years, and for other purposes, disagreed to by the House.

On motion of Mr. WEST, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

The VICE-PRESIDENT appointed Mr. MORRILL of Maine, Mr. ALLISON, and Mr. STEVENSON the conferees on the part of the Senate.

FOX AND WISCONSIN RIVERS.

Mr. EDMUNDS. Mr. President——

Mr. HOWE. I ask the Senator from Vermont to yield to me for a few moments that I may make an appeal to the Senate.

Mr. EDMUNDS. If it will not take too much time, I will yield to gratify the Senator from Wisconsin.

Mr. HOWE. Now I want to renew my appeal to the Senate. The pending bill is evidently going to occupy some time, and when it is passed it does not have to go back to the other House. I ask unanimous consent of the Senate to call up for consideration House bill No. 4573. It will not take more than three minutes.

The VICE-PRESIDENT. The Chair hears no objection to granting the request of the Senator from Wisconsin.

Mr. DAVIS. I object to taking it up except informally.

Mr. HOWE. That is all I ask.

Mr. SCOTT. I do not wish to be misunderstood. I announced before that I was conducting this bill as the organ of the Committee on Claims, and that other people were more interested in it than I was. The time of the committee having been exhausted, I shall yield to the wish of the Senate, whatever it may be.

The VICE-PRESIDENT. The Chair hears no objection.

Mr. DAVIS. I ask if the taking up the bill of the Senator from Wisconsin displaces House bill No. 4847, which is regularly before the Senate.

Mr. HOWE. Not at all.

Mr. DAVIS. All right, then.

The VICE-PRESIDENT. The Chair hears no objection to considering the bill mentioned by the Senator from Wisconsin.

Mr. EDMUNDS. Subject to a call for the regular order.

By unanimous consent, the bill (H. R. No. 4573) to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin, was considered as in Committee of the Whole.

The Committee on Commerce proposed to amend the bill by striking out the following proviso:

Provided, however, That when the owner of such property shall fix a price for the same which, in the opinion of the said officer in charge, shall be reasonable, he may take the same at such price without further delay, and, in case of real or mixed property, may receive a conveyance thereof in fee to the United States.

Mr. HOWE. This bill is simply an authority to the engineer officers to apply not more than $25,000 of money already appropriated in extinguishing the right of way. The precedent for this bill is one under which damages were adjusted for the Des Moines River improvement. This bill has passed the House unanimously, has been reported by the Committee on Commerce, and been submitted to the Senator from Vermont, the chairman of the Judiciary Committee.

Mr. THURMAN. I do not object to this proviso, for we must trust somebody, but I do object to another part of the bill. Here is a provision that the officers in charge of the work "may in the name of the United States take possession of and use the same, after first having paid or secured to be paid the value thereof," any lands that are needed, "which may have been ascertained in the laws of the State wherein such property lies." That is all well enough; but then it proceeds, "or by commissioners appointed and directed by the Secretary of War."

Mr. HOWE. Strike that out.

Mr. THURMAN. Very well.

The VICE-PRESIDENT. The question is on the amendment reported by the Committee on Commerce.

The amendment was agreed to.

Mr. HOWE. Now, to meet the views of the Senator from Vermont, I move to amend line 5 of section 1 by inserting after the word "proper" the words "in the judgment of the Secretary of War."

The amendment was agreed to.

Mr. HOWE. Now, to meet the views of the Senator from Ohio, I move in lines 14 and 15 of section 1 to strike out "or by commissioners appointed and directed by the Secretary of War."

The amendment was agreed to.

Mr. HOWE. One more amendment is suggested by the Senator from Vermont. I move in lines 27 and 28 of section 1 to strike out the words "the Secretary of War may employ a competent attorney to" and insert "the Department of Justice shall."

Mr. EDMUNDS. May I ask the Senator from Wisconsin if he is likely to take much longer time with this bill?

Mr. HOWE. This is the last amendment that is suggested as yet.

The amendment was agreed to.

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

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.

PAYMENT OF CLAIMS.

Mr. EDMUNDS. I call for the regular order.

Mr. STEVENSON. Will not my friend from Vermont yield to me that I may secure the passage of a little bill?

Mr. EDMUNDS. I should be delighted myself to be allowed to call up two or three and get them passed. I have reported a dozen bills to remove disabilities that I should like to have passed; I should be delighted to have my friend from Indiana pass his pension bills; but I am not delighted to have this Senate make hot haste on a House bill involving one or two hundred thousand dollars which has not been here forty-eight hours and about which we know nothing. It excludes the consideration of other measures. I propose to the Senate, if it is willing, that this will be laid upon the table, and that we take up in some order all matters that are not objected to, which will include the private pension cases and other little matters that gentlemen have in hand and these little disability bills that I have in hand.

The VICE-PRESIDENT. Does the Senator from Vermont make any motion?

Mr. EDMUNDS. I ask that by unanimous consent this bill be postponed until to-morrow, and that we take up unobjected cases on the Calendar as gentlemen may move them, because we have not time to read the Calendar clear through. This would include the pension bills of my friend from Indiana, my little disability bills, and the other various little matters that gentlemen have in hand—bills that nobody objects to.

Mr. STEWART. I think we can have unanimous consent for that.

The VICE-PRESIDENT. Is there objection to the proposition of the Senator from Vermont?

Mr. PEASE. I object. This bill has been before the Senate for the last hour and a half, and I think it might have been passed while other measures have been brought before the body and been acted on.

Mr. SPENCER. I appeal to the Senator from Mississippi to withdraw his objection. It is evident that we cannot pass this bill.

Mr. EDMUNDS. I have the floor, I believe.

The VICE-PRESIDENT. The Senator from Vermont is entitled to the floor.

Mr. HAMILTON, of Maryland. I ask the Senator from Vermont to yield to me for the purpose——

Mr. EDMUNDS. I should be happy to oblige my honorable friend, but I cannot without doing injustice to other friends who are equally desirous.

Mr. HITCHCOCK. What question is pending?

The VICE-PRESIDENT. The bill reported by the Senator from Pennsylvania, [Mr. SCOTT,] House bill No. 4847.

Mr. HITCHCOCK. Is a motion in order to lay the bill upon the table?

The VICE-PRESIDENT. It is.

Mr. MERRIMON. I move to lay the pending bill on the table.

The motion was declared agreed to.

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

Mr. EDMUNDS. I ask unanimous consent, not for any measure that I have in hand except these disability bills, which are of course of no interest to me——

Mr. PEASE. I insist upon the yeas and nays.

Mr. SPENCER. I object.

Mr. PEASE. I demanded the yeas and nays. I should like to have that matter decided.

The VICE-PRESIDENT. The Senator from Mississippi demands the yeas and nays on the motion to lay the bill on the table. The Chair will put the question on seconding the demand for the yeas and nays.

The yeas and nays were not ordered.

The VICE-PRESIDENT. The bill is laid on the table.

Mr. EDMUNDS. Now have I the floor?

ORDER OF BUSINESS.

The VICE-PRESIDENT. The Chair will suggest to the Senate that by unanimous consent at the beginning of this day's session it was agreed that the Senator from New Hampshire [Mr. CRAGIN] should have fifteen minutes for business of the Committee on Naval Affairs after the appropriation bills were disposed of.

Mr. CRAGIN. I can have those bills disposed of in a few minutes, and I will proceed with them.

Mr. EDMUNDS. I ask unanimous consent now, so that gentlemen can be looking up the bills they most desire to have acted on, that each Senator may move any bill to which there is no objection for consideration.

The VICE-PRESIDENT. The Senator from Vermont asks that after the disposition of the bills of the Senator from New Hampshire any member of the Senate may have the floor to call up any bill which is unobjected to. Is there objection to that proposition?

Mr. SPENCER. I wish to amend that motion of the Senator from Vermont. I move that after the Committee on Naval Affairs have had their fifteen minutes the Committee on Pensions be allowed to pass their bills, and then that the Committee on the District of Columbia, that has had but one hour during this session, shall have fifteen minutes also for their bills.

Mr. EDMUNDS. We cannot assent to that, for the Judiciary Committee has not had time for its business.

The VICE-PRESIDENT. Is there objection to the motion of the Senator from Vermont?

Mr. STEVENSON. There is.

J. C. BEAUMONT.

Mr. CRAGIN. I move that the Senate proceed to the consideration of House bill No. 1063.

The motion was agreed to; and the bill (H. R. No. 1063) to restore Captain John C. Beaumont, of the United States Navy, to his original

position on the Navy Register was considered as in Committee of the Whole.

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

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

MARY L. WOOLSEY.

Mr. CRAGIN. I move to proceed to the consideration of House bill No. 4502.

The bill (H. R. No. 4502) for the relief of Mary L. Woolsey, widow of the late Commodore Melancthon B. Woolsey, of the Navy, was considered as in Committee of the Whole. It directs the proper accounting officer of the Treasury, in adjusting the amount due Melancthon B. Woolsey, deceased, late a commodore in the Navy, in consideration of the devotion of the deceased to his public duties, which resulted in his death at Pensacola, Florida, on the 2d day of October, 1874, to pay to Mrs. Mary L. Woolsey, his widow, the amount of pay to which the commodore would have been entitled if he had survived and remained in the public service on waiting orders to the end of the present fiscal year.

The Committee on Naval Affairs reported the bill with amendment to strike out in line 11, after the word "service," the words "on waiting orders."

Mr. CRAGIN. I hope that amendment will be voted down. It increases the amount allowed by the House.

The amendment was rejected.

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

MRS. SARAH B. FOREST.

Mr. CRAGIN. I now move that the Senate proceed to the consideration of House bill No. 3362.

The bill (H. R. No. 3362) for the relief of Mrs. Sarah B. Forest, widow of Lieutenant Dulaney A. Forest, late of the United States Navy, was considered as in Committee of the Whole. It is a direction to the Secretary of the Treasury to pay to Mrs. Sarah B. Forest, widow of Lieutenant Dulaney A. Forest, late of the United States Navy, the sum of $820, which shall be in full discharge of all her claims against the United States for balance due from an allotment of pay made by her late husband, being the amount due from April 1 to December 6, 1861, at the rate of $100 a month.

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

D. R. HAGGARD.

Mr. STEVENSON. I ask the Senator from New Hampshire to let me call up now a little bill that I have been waiting for two days to get action on. I have to go out on a committee of conference.

Mr. CRAGIN. If it is not taken out of my time I shall not object.

The VICE-PRESIDENT. The Chair hears no objection, and the time not to come out of that of the Senator from New Hampshire.

The bill (S. No. 831) for the relief of D. R. Haggard was considered as in Committee of the Whole.

The Committee on Claims reported an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay D. R. Haggard, late colonel of the Fifth Regiment of Kentucky Volunteers, out of any money in the Treasury not otherwise appropriated, the sum of $4,000, in full compensation and satisfaction of his claim against the Government of the United States for quartermaster's and commissary's stores taken from his farm, near Burksville, Kentucky, by United States forces during the war of the rebellion and used by them.

The amendment was agreed to.

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

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

CAPTAIN C. H. WELLS.

Mr. CRAGIN. I now move to proceed to the consideration of House joint resolution No. 157.

The joint resolution (H. R. No. 157) authorizing the acceptance by Captain C. H. Wells, of the United States Navy, of the cross of the Legion of Honor, conferred upon him by the President of the French Republic, was considered as in Committee of the Whole.

Mr. EDMUNDS. I should like to call the attention of the Senator from New Jersey, who is a member of the Committee on Foreign Relations—I do not see the chairman here—and I inquire of him whether it has been usual for the Congress of the United States to authorize any of its officers to receive the insignia of a foreign rank or honor?

Mr. FRELINGHUYSEN. We had that subject under consideration for some time within the last two weeks, and unless it was conferring some title by a foreign power we did not think it was objectionable.

Mr. EDMUNDS. So you think this is right?

Mr. FRELINGHUYSEN. We did not think it was objectionable, and we reported a bill authorizing a decoration to be received.

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

The VICE-PRESIDENT. The question is on the passage of the joint resolution.

Mr. SPRAGUE. I should like to be informed as to the object of this.

Mr. CRAGIN. Captain Wells, of the United States Navy, by some act of his—I do not know what—gained the respect of the Emperor of France, who conferred upon him a certain decoration of honor, or something of that sort. We have passed various measures of that kind, and Captain Wells is one of the best officers in the Navy.

Mr. SPRAGUE. I move to lay the joint resolution on the table.

The motion was not agreed to.

The VICE-PRESIDENT. The question is on the passage of the joint resolution.

The joint resolution was passed.

PETERS & REED.

Mr. CRAGIN. I move to proceed to the consideration of House bill No. 565.

The motion was agreed to; and the bill (H. R. No. 565) for the relief of Peters & Reed naval contractors at the Norfolk navy-yard in the year 1860, was considered as in Committee of the Whole. It directs the Secretary of the Navy to pay to Peters & Reed the balance due them for labor done and material furnished at the Norfolk navy-yard in 1860, upon the contracts with them personally, and the balances due them as attorneys in fact of the contractors, John E. McWilliams and F. W. Parmater, in that navy-yard during the same time, amounting, in the aggregate, to $15,170.89, as certified by the engineer in charge and approved by the commandants in June, 1860.

Mr. EDMUNDS. I should like to hear the report in that case read. That is a claim for a large sum of money and I would like to see the grounds on which it stands.

The VICE-PRESIDENT. The Chair will suggest to the Senator from New Hampshire that the bill be informally passed over until the clerk gets the report.

Mr. CRAGIN. I have the report in my hand. My friend on my right [Mr. ANTHONY] is anxious to have this bill passed, but I will let it go over for the present.

The VICE-PRESIDENT. The bill will be passed over.

HENRY S. WETMORE.

Mr. CRAGIN. I move to take up Senate bill No. 1198.

The motion was agreed to; and the bill (S. No. 1198) authorizing the President to nominate Henry S. Wetmore a lieutenant in the Navy upon the retired list, was considered as in Committee of the Whole.

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

Mr. EDMUNDS. The Senator's time is up.

SECOND NATIONAL BANK OF WATKINS.

Mr. ANTHONY. I move to take up House bill No. 4746.

The motion was agreed to.

Mr. CRAGIN. I want the bill that was laid aside for the relief of Peters & Reed taken up. I have the report here.

The VICE-PRESIDENT. The Chair will state that the Senator's time is nearly up.

Mr. ANTHONY. I give way informally to the Senator, House bill No. 4746 being before the Senate.

Mr. PRATT. I move that the Senate proceed to the consideration of the bill (H. R. No. 3713) granting a pension to Sarah S. Cooper.

Mr. ANTHONY. There is a bill before the Senate which will be disposed of as soon as it can be read. It would have been passed now if the Senator had not interfered.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4746) authorizing the Second National Bank of Watkins to change its name.

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

SARAH S. COOPER.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 3713.

Mr. GORDON. I hope the Senator will allow to have passed——

Mr. PRATT. I should be very glad to do so, but I cannot yield to any one.

The VICE-PRESIDENT. Any Senator obtaining the floor has the privilege to call up a bill. The Senator from Indiana proposes to take up the bill he has named.

Mr. EDMUNDS. In order to save time and not to embarrass gentlemen, I have a dozen or so little disability bills which are scattered through the Calendar and it would take the clerk some time to pick them out from the order of business. I therefore ask unanimous consent that at eleven o'clock, or immediately after the opening of the session after the recess, if we have one, I may have ten minutes to pass them; and in the mean time I will get them together so as not to waste the time of the Senate when I call them up.

The VICE-PRESIDENT. The Senator from Vermont asks that he may have ten minutes at a subsequent period of the session to consider the bills he has indicated. The Chair hears no objection.

Mr. SPENCER. I ask that at some time between now and eleven o'clock the Committee on the District of Columbia may be allowed fifteen minutes.

Mr. FRELINGHUYSEN. We had better wait until that time comes.

Mr. SPENCER. There is no objection to my request, I think; so it is granted.

The VICE-PRESIDENT. The question is on the motion of the Senator from Indiana.

The motion was agreed to; and the bill (H. R. No. 3713) granting a pension to Sarah S. Cooper was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah S. Cooper, widow of Major Wickliff Cooper, Seventh United States Cavalry.

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

LAFAYETTE BRIGGS.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 4763.

The motion was agreed to; and the bill (H. R. No. 4763) granting a pension to Lafayette Briggs was considered as in Committee of the Whole. It proposes to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lafayette Briggs, late a private in the First Battery of Wisconsin Artillery.

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

FERDINAND MONTI.

Mr. PRATT. I move to take up House bill No. 4767.

The motion wes agreed to; and the bill (H. R. No. 4767) for the relief of Ferdinand Monti was considered as in Committee of the Whole. It directs to be placed upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ferdinand Monti, wagon-master in the quartermaster's service, Mexican war.

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

CHARLES A. DRAHER.

Mr. PRATT. I move to take up House bill No. 4771.

The motion was agreed to; and the bill (H. R. No. 4771) granting a pension to Charles A. Draher was considered as in Committee of the Whole. It provides for placing upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Draher, late a private in Company H, One hundred and sixty-fifth Regiment Pennsylvania Volunteers.

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

WILLIAM LYON.

Mr. PRATT. I move to take up House bill No. 4755.

The motion was agreed to; and the bill (H. R. No. 4755) granting a pension to William Lyon was considered as in Committee of the Whole. It directs the placing upon the pension-roll, subject to the provisions and limitations of the pension laws, of the name of William Lyon, late a private in Company D, Fifty-second Regiment Indiana Volunteers.

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

WILLIAM H. SMALL.

Mr. PRATT. I move to take up House bill No. 4329.

The motion was agreed to; and the bill (H. R. No. 4329) granting a pension to William H. Small was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of William H. Small, late a private in Companies E and K of the Fifteenth Regiment of Pennsylvania Cavalry, to receive a pension as for the loss of a leg.

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

MELISSA RANKIN.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 3683.

The motion was agreed to; and the bill (H. R. No. 3683) granting a pension to Melissa Rankin was considered as in Committee of the Whole. It proposes to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Melissa Rankin, mother of Oliver S. Rankin, a lieutenant in the Tenth Regiment Indiana Volunteers, at the rate of eight dollars per month.

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

SAMUEL PURCELL.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 965.

The motion was agreed to; and the bill (H. R. No. 965) granting a pension to Samuel Purcell was considered as in Committee of the Whole. It proposes to place upon the pension-roll, subject to the provisions and limitations of the pension-laws, the name of Samuel Purcell, who was a private in Company A, First Indiana Volunteers, in the Mexican war, at the rate of eight dollars per month.

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

ABRAANNA L. DUNN.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 4769.

The motion was agreed to; and the bill (H. R. No. 4769) granting a pension to Abraanna L. Dunn was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Abraanna L. Dunn, widow of George B. Dunn, late a captain in the Seventeenth Regiment Maine Volunteers.

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

EMILLIA O. BLACK.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 4765.

The motion was agreed to and the bill (H. R. No. 4765) granting a pension to Emillia O. Black was considered as in Committee of the Whole. It provides for placing upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emillia O. Black, widow of Willis H. Black, late deputy provost marshal for the eleventh district of Illinois.

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

SARAH B. HOWE AND MARY CRANSTON.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 4786.

The motion was agreed to; and the bill (H. R. No. 4786) granting a pension to Mrs. Sarah B. Howe and Mrs. Mary Cranston was considered as in Committee of the Whole. It directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the names of Sarah B. Howe, widow of Albion Howe, late lieutenant of the Fourth United States Artillery, and Mrs. Mary Cranston, widow of Arthur Cranston, late lieutenant in Fourth United States Artillery, at the rate of twenty-four dollars per month each.

The Committee on Pensions reported an amendment in line 9, to strike out the words "at the rate of twenty-four dollars per month."

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

BETSY A. EATON.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 4754.

The motion was agreed to; and the bill (H. R. No. 4754) granting a pension to Betsey A. Eaton was considered as in Committee of the Whole. It provides for placing upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Betsey A. Eaton, the widow of Willard G. Eaton, late colonel of the Thirteenth Michigan Infantry Volunteers, at the rate of thirty dollars per month.

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

SARAH A. WOODWORTH.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 4764.

The motion was agreed to; and the bill (H. R. No. 4764) granting a pension to Sarah A. Woodworth was considered as in Committee of the Whole. It proposes to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Woodworth, widow of Joseph C. Woodworth, late a private in Company H of the Sixty-seventh Regiment Pennsylvania Volunteers.

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

CHARLES C. HAIGHT.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 3720.

The motion was agreed to; and the bill (H. R. No. 3720) granting a pension to Charles C. Haight was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles C. Haight, late sergeant in Company G, Sixth Regiment West Virginia Volunteers.

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

JAMES A. FORGEY.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 4777.

The motion was agreed to; and the bill (H. R. No. 4777) granting a pension to James A. Forgey was considered as in Committee of the Whole. It proposes to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of James A. Forgey, late a corporal in Company H of the Twenty-ninth Regiment Iowa Volunteers.

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

JOHN H. LOOBY.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 4800.

The motion was agreed to; and the bill (H. R. No. 4800) granting a pension to John H. Looby was considered as in Committee of the Whole. It directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of John H. Looby, late captain of Company D of the Sixty-second Regiment United States Colored Troops, and to pay him the pension allowed to officers of that grade for total disability.

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

MICAJAH STOUT.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 4801.

The motion was agreed to; and the bill (H. R. No. 4801) granting a pension to Micajah Stout, was considered as in Committee of the Whole. It proposes to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Micajah Stout, late of Company I of the Thirty-fourth Regiment Iowa Volunteer Infantry.

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

ANSEL THAYER.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 4782.

The motion was agreed to; and the bill (H. R. No. 4782) granting a pension to Ansel Thayer, of Braintree, Massachusetts, was considered as in Committee of the Whole. It provides for placing upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ansel Thayer, father of George Frederick Thayer, Company F, Second Regiment Massachusetts Cavalry; Loring W. Thayer, Company E, Thirty-second Massachusetts Volunteers; Charles S. Thayer, Company K, Third Massachusetts Cavalry; and Lucien M. Thayer, Company I, Forty-second Regiment Massachusetts ——.

The bill was reported to the Senate without amendment.

The VICE-PRESIDENT. There is a blank in the bill.

Mr. PRATT. "Infantry," I presume. That is reported by the Senator from Kansas, [Mr. INGALLS.] I do not remember the particulars of the case myself.

Mr. INGALLS. The blank should be filled with the word "infantry."

The VICE-PRESIDENT. The blank will be filled with the word "infantry."

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RICHARD G. MOBLEY.

Mr. PRATT. I move to proceed to the consideration of House bill No. 4772.

The motion was agreed to; and the bill (H. R. No. 4772) granting a pension to Richard G. Mobley was considered as in Committee of the Whole. It provides for placing upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Richard G. Mobley, late a private in Company A, Twenty-fourth Kentucky Volunteers.

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

FREEMORTON YOUNG.

Mr. PRATT. I move to proceed to the consideration of House bill No. 4757.

The motion was agreed to; and the bill (H. R. No. 4757) granting a pension to Freemorton Young was considered as in Committee of the Whole. It proposes to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Freemorton Young, late captain of Company B, Fifth Regiment Tennessee Infantry.

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

SOPHIA GREEN.

Mr. PRATT. I move to proceed to the consideration of House bill No. 2763.

The motion was agreed to; and the bill (H. R. No. 2763) granting a pension to Mrs. Sophia Green was considered as in Committee of the Whole. Its object is to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Sophia Green, widow of Harvey Green, late a private in Company C, Tenth Regiment Vermont Volunteers.

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

JOHN M. ALLEN.

Mr. PRATT. I move to proceed to the consideration of House bill No. 3727.

The motion was agreed to; and the bill (H. R. No. 3727) granting a pension to John M. Allen was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John M. Allen, a private in Company G, One hundred and seventy-sixth Regiment New York Volunteers.

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

STILLMAN C. SPAULDING.

Mr. PRATT. I move to proceed to the consideration of House bill No. 3712.

The motion was agreed to; and the bill (H. R. No. 3712) granting a pension to Stillman C. Spaulding was considered as in Committee of the Whole. It provides for placing upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Stillman C. Spaulding, Company K, Thirty-second Regiment Massachusetts Volunteer Infantry, for the loss of a leg.

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

ARTHUR M. LEE.

Mr. PRATT. I move to proceed to the consideration of House bill No. 3705.

The motion was agreed to; and the bill (H. R. No. 3705) granting a pension to Arthur M. Lee, late first lieutenant Eighteenth Illinois Infantry was considered as in Committee of the Whole.

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

STEPHEN WEATHERLOW.

Mr. PRATT. I move to proceed to the consideration of House bill No. 1606.

The motion was agreed to; and the bill (H. R. No. 1606) granting an increase of pension to Stephen Weatherlow was considered as in Committee of the Whole. It provides for paying to Stephen Weathlow, a pension at the rate of twenty-four dollars per month in lieu of that now drawn by him.

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

DAVID SALSBURY.

Mr. PRATT. I move to proceed to the consideration of House bill No. 4790.

The motion was agreed to; and the bill (H. R. No. 4790) granting a pension to David Salsbury was considered as in Committee of the Whole. It proposes to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of David Salsbury, late private Company F, One hundred and sixtieth Regiment New York Volunteers.

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

MERCY E. SCATTERGOOD.

Mr. PRATT. I move to proceed to the consideration of House bill No. 4793.

The motion was agreed to; and the bill (H. R. No. 4793) granting a pension to Mercy E. Scattergood was considered as in Committee of the Whole. It proposes to place on the pension-roll subject to the provisions and limitations of the pension laws, the name of Mrs. Mercy E. Scattergood, widow of Edward Scattergood, late second assistant engineer in the United States Navy, and to pay her two dollars per month in addition to her present pension until the child of Edward Scattergood shall become sixteen years of age.

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

JEFFERSON W. DAVIS.

Mr. PRATT. I move to proceed to the consideration of House bill No. 1054.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. No. 1054) granting a pension to Jefferson W. Davis, first lieutenant of Company F, Sixty-fourth Regiment New York Volunteers.

The VICE-PRESIDENT. This bill has been up before, and an amendment reported by the Committee of the Whole. The question is on concurring in the amendment.

The amendment was concurred in.

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

The bill was read the third time, and passed.

PENSIONS TO SURVIVORS OF CENTRALIA.

Mr. SHERMAN. I ask the Senator if he will not call up House bill No. 3718, granting a pension to Cornelia M. Arthur?

Mr. PRATT. I think that will lead to some discussion.

Mr. SHERMAN. The Senator said he would feel it his duty to bring it up. It is to give her $25 a month.

Mr. PRATT. I will call it up immediately after getting through with House bill No. 3021, which I now move to take up.

The motion was agreed to; and the bill (H. R. No. 3021) granting pensions to the widows, children, dependent mothers and fathers, or orphan brothers and sisters of those soldiers who were murdered by guerrillas at Centralia, Missouri, in 1864, was considered as in Committee of the Whole.

The bill extends the provisions of existing pension laws to the widows, children, dependent mothers and fathers, or orphan brothers and sisters, in the order named, of those lately discharged soldiers of the Army of the United States who were murdered by guerrillas at Centralia, Missouri, in 1864, while being transported on the North Missouri Railroad.

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

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, 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. 3511) to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes;

A bill (H. R. No. 4816) to authorize the consolidation of the Auburn City National Bank and the First National Bank of Auburn, New York;

A bill (H. R. No. 4445) to incorporate the trustees of the Louise Home, and for other purposes; and

A bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes.

ELIZABETH LANNING.

Mr. PRATT. I move to take up House bill No. 4776.

The motion was agreed to; and the bill (H. R. No. 4776) granting a pension to Elizabeth Lanning was considered as in Committee of the Whole. It proposes to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Lanning, widow of Richard Lanning, late of Company H, Eightieth Regiment Ohio Volunteers.

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

SARAH ANN CROSBY.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 4331.

The motion was agreed to; and the bill (H. R. No. 4331) granting a pension to Sarah Ann Crosby was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of Sarah Ann Crosby, mother of Robert D. Crosby, late first lieutenant in Company F, Forty-ninth Regiment United States Colored Troops, and to pay her arrears of pension from the date of the death of her son until the date of the commencement of her pension.

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

CORNELIA M. ARTHUR.

Mr. PRATT. I now call up, at the request of the Senator from Ohio, House bill No. 3718, granting a pension to Cornelia M. Arthur.

Mr. MORRILL, of Vermont. I ask the Senator to call up at my request House bill No. 4458. [Laughter.]

Mr. PRATT. This is a pension bill.

Mr. SHERMAN. I want to state one fact that the Senator from Indiana will agree to. The Committee on Pensions of the Senate think that this lady, a blind woman, who is very poor and of the very highest character, the widow of a soldier, is only entitled under the laws to twenty-five dollars a month. The House have allowed her thirty dollars. I do not think we ought to send this bill back with an amendment of that kind. If the Senator insists on it I will take the twenty-five dollars, although I think we had better let the bill stand.

Mr. CONKLING. Submit it to the Senate.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan.) The question is on taking up the bill.

The motion was agreed to; and the bill (H. R. No. 318) granting a pension to Cornelia M. Arthur was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Cornelia M. Arthur, widow of Benjamin H. Arthur, late captain in the First Regiment of United States Infantry, and pay her an additional sum of five dollars a month from the date of its deduction by the Pension Office; and pay to her a pension of thirty dollars a month from and after the passage of the act.

The bill was reported from the Committee on Pensions with an amendment in line 10, to strike out "30" and insert "25."

Mr. SHERMAN. I hope the Senator will let the bill go without amending it. I appeal to the Senator.

Mr. PRATT. Very well.

The amendment was rejected.

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

MARGARET PATTISON.

Mr. OGLESBY. I move that the Senate proceed to the consideration of House bill No. 4775.

The motion was agreed to; and the bill (H. R. No. 4775) granting a pension to Margaret Pattison was considered as in Committee of the Whole. It proposes to place upon the pension-rolls, subject to the provisions and limitations of the pension-laws, the name of Margaret Pattison, mother of William J. Pattison, late second lieutenant of the Ninth Regiment Michigan Cavalry.

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

ELIZABETH WOLF.

Mr. HAMILTON, of Texas. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. No. 2794) granting a pension to Elizabeth Wolf, to report the same back without amendment and to ask for its present consideration.

By unanimous consent the bill was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Wolf, widow of John F. Wolf, late of Company D, Third Regiment of Maryland Volunteers.

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

PUBLIC BUILDING AT JERSEY CITY.

Mr. PRATT. I have got but one more, and that is not a pension, bill.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair will recognize the Senator from Vermont, [Mr. MORRILL.]

Mr. MORRILL, of Vermont. I have carried this bill until I have almost worn it out. I have been trying for three days to get it up. It is reported from the Committee on Public Buildings and Grounds without amendment. I move that the Senate proceed to the consideration of House bill No. 4458.

The motion was agreed to; and the bill (H. R. No. 4458) relating to a site for a public building at Jersey City, in the State of New Jersey, was considered as in Committee of the Whole. 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, as 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 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 that State, and as the court may determine upon. Nothing in the act is to be construed to authorize the Secretary of the Treasury to pay more than a just and reasonable sum for the site, whether obtained by purchase or condemnation.

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

MONTRAVILLE PATTON.

Mr. MERRIMON. I move to take up House bill No 1628.

The motion was agreed to; and the bill (H. R. No. 1628) for the relief of Montraville Patton, of Buncombe County, North Carolina, was considered as in Committee of the Whole. It is an instruction to the Quartermaster General to pay Montraville Patton, of Buncombe County, North Carolina, the sum of $130 for supplies furnished the Army in the year 1866, as appears from proofs on file.

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

MEDICAL SOCIETY OF THE DISTRICT OF COLUMBIA.

Mr. HITCHCOCK. I move that the Senate proceed to the consideration of House bill No. 4449.

The motion was agreed to; and the bill (H. R. No. 4449) to amend an act entitled "An act to revive, with amendments, an act to incorporate the Medical Society of the District of Columbia," approved July 7, 1838, was considered as in Committee of the Whole. It amends the act named, in the third section, by striking out the word "gentlemen" and inserting instead thereof the word "persons."

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

WASHINGTON AND GEORGETOWN RAILROAD.

Mr. ROBERTSON. I move to take up House bill No. 3641, a little bill from the House which ought to have been passed last session. There is no objection to it, and I ask that it be put on its passage.

The motion was agreed to; and the bill (H. R. No. 3641) to amend an act entitled "An act to incorporate the Washington and Georgetown Railroad Company," approved May 17, 1872, was considered as in Committee of the Whole. It allows the company to extend its tracks in Washington from Seventh street west, down Water street, to the intersection of P street south; thence along P street to the west side of the arsenal gate.

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

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WINDOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate 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," having met, after full and free confer-

ence, have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from their amendments numbered 1, 5, 10, 11, 14, 16, 17, 18, 19, 20, 21, 22, 23, 31, and 33.

That the House recede from their disagreement to the amendments of the Senate numbered 2, 4, 7, 12, 15, 24, 25, 26, 27, 28, 29, 30, and 32.

That the House recede from their disagreement to the amendment numbered 3, and agree to the same with an amendment, as follows: Strike out "thirty-five" and in lieu thereof insert "twenty-five;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 6, and agree to the same with an amendment, as follows: Strike out "fifty" and insert "twenty-five" in lieu thereof; and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 8, and agree to the same with an amendment, as follows: Strike out "six" and in lieu thereof insert "three;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 9, and agree to the same with an amendment, as follows: Strike out the word "five," and insert in lieu thereof the word "three;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 13, and agree to the same with an amendment, as follows: Strike out the words "two hundred," and insert in lieu thereof the words "one hundred and fifty;" so that it shall read "one hundred and fifty thousand dollars;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 34, and agree to the same with an amendment, as follows: On page 8 of this amendment after the word "survey," add the following: "and the sum of $5,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated for said survey and examination."

Z. CHANDLER,
GEO. R. DENNIS,
Managers on the part of the Senate.
PHILETUS SAWYER,
E. O. STANARD,
A. H. WILLIE,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on concurring in the report.

Mr. CONKLING. Let us hear something about the report.

Mr. WINDOM. I make this report in the absence of the chairman of the committee. I cannot enter into details, because not expecting to make the report I had not prepared for it. I can only say that the committee of conference have cut down the bill so that I declined to sign it, if that is any recommendation.

Mr. CONKLING. How much does it appropriate?

Mr. WINDOM. About $622,000 over and above the amount appropriated by the House.

Mr. SHERMAN. That is exclusive of the Eads bill?

Mr. WINDOM. That is exclusive of the Eads bill.

Mr. EDMUNDS. How much does it cost?

Mr. WINDOM. About seven and a quarter millions stated in one way; stated in another way it involves two and a quarter millions. I will enter into an explanation if desired. If you capitalize what it costs now to keep open the mouth of the Mississippi River it would amount to $5,000,000. Capitalizing and maintaining the work, it amounts to seven millions and a quarter, so that it is really two millions and a quarter.

Mr. DAVIS. Is there any change in the jettee proposition?

Mr. WINDOM. No change in that.

Mr. SPENCER. I would like to ask the Senator from Minnesota what change the committee made in the item for the improvement of the shoals of the Tennessee River?

Mr. WINDOM. We cut it down $200,000 below the Senator's amendment; which leaves it $400,000.

The PRESIDING OFFICER. The question is on concurring in the report of the conference committee.

The report was concurred in.

STEAMER CLARA DOLSEN.

Mr. SCHURZ. I move to take up House bill No. 2101 for the relief of the owners of the steamer Clara Dolsen.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill, (H. R. No. 2101), for the relief of the owners of the steamer Clara Dolsen.

Mr. EDMUNDS. I should like to have that explained. It seems to me I remember we had that up the other day. I was going to ask my friend from Missouri what the history of this case is; whether it is the one that we had up and discussed and laid over the other day.

Mr. SCHURZ. This bill was up on the 26th day of January. The Senator from Iowa can state its history.

Mr. WRIGHT. I will state to the Senator from Vermont that the bill was referred to the Committee on Naval Affairs, was reported back by them and referred to the Committee on Claims, and was considered by the Committee on Claims, and after full examination it was reported back favorably. I examined it very carefully myself, and I am satisfied the bill is all right and ought to pass.

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

BRIDGE AT SAINT LOUIS.

Mr. SCHURZ. I move to take up House bill No. 4528.

The motion was agreed to; and the bill (H. R. No. 4528) amendatory of the act approved March 3, 1873, entitled "An act authorizing the construction of a bridge across the Mississippi River at Saint Louis, in the State of Missouri," was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments. The first amendment was in section 1, line 9, to strike out "center span" and insert "said two spans."

Mr. BOUTWELL. I want to say one word about that bridge. The engineers report that a bridge should not be built until the water line on the west side of the river is established, so that it shall be known exactly how far the city of Saint Louis and other shore-owners have a right to encroach or advance toward the channel of the Mississippi River. There is a provision in the bill which the friends of the bill construe to be equivalent in the authority given to the Secretary of War to decide in regard to the bridge, but in my judgment, as a matter of law, it does not give the Secretary of War the power which the engineers say ought first to be exercised, to wit, the power to establish a water line, in order that it may be known where the spans shall be placed so that the spans may cover the depth of water in the channel.

Mr. SCHURZ. I ask that the Secretary read that provision concerning the authority of the Secretary of War.

The Chief Clerk read as follows:

And provided further, That after the said company shall have accepted the site and definitely planned the bridge with its piers, the plan shall be submitted to the Secretary of War for his approval. And in maintaining and operating said bridge it shall be subject to all the conditions and restrictions imposed by the act of which this is amendatory.

Mr. SCHURZ. How could that give the Secretary of War more authority?

Mr. EDMUNDS. I move to amend the bill by adding the following section, which I have moved to all such bills——

The PRESIDING OFFICER. The question will first be on the amendments reported by the Committee on Commerce.

The first amendment reported by the committee was on line 9 to strike out the words "center span" and insert "said two spans;" so as to read:

That the Saint Clair and Carondelet Bridge Company be, and the same is hereby, authorized and empowered, in constructing the bridge authorized by the act of which this act is amendatory, to erect over the main channel of said river two straight continuous spans, of not less than four hundred and fifty feet each in the clear of the pier at low-water mark, the said two spans to be placed over the main channel, instead of "the two spans over the main channel of the river," required by the act of which this act is amendatory.

The amendment was agreed to.

The next amendment was in line 1, section 2, after the word "that" to insert the word "if;" and in line 3, after the words "Secretary of War," to strike out the word "and;" so as to read:

SEC. 2. That if the said corporation shall accept the bridge site No. 2, on the plan and survey submitted to the Secretary of War, the company shall be required to close Cahokia Bend by a dam or similar work, to hold the channel against the western bluffs above the bridge.

The amendment was agreed to.

Mr. EDMUNDS. I offer the following amendment, to be inserted as an additional section:

That Congress shall at all times have the right to amend or repeal this act.

The amendment was agreed to.

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 read a third time.

The bill was read the third time, and passed.

SETTLERS ON RAILROAD LANDS.

Mr. SPENCER. I move that the Senate proceed to the consideration of House bill No. 2179.

Mr. HARVEY. I rise to a question of privilege. I have a privileged communication, but I cannot get the floor to present it.

The PRESIDING OFFICER. The Senator will state his question of privilege.

Mr. HARVEY. I have here resolutions from the State Legislature of Kansas——

Mr. SPENCER. Wait a moment, and you will get an opportunity.

Mr. HARVEY. I have been waiting too long already.

Mr. SPENCER. I move to take up the bill (H. R. No. 2197) to incorporate the Inland and Sea-board Coasting Company of the District of Columbia.

Mr. EDMUNDS. You cannot pass that bill.

Mr. SPENCER. I ask that the bill be read and acted upon now.

Mr. EDMUNDS. That cannot be passed.

Mr. SPENCER. There is no objection to the bill. I am only sorry I did not have it referred to the Judiciary Committee. Let the Secretary read the bill.

The Secretary proceeded to read the bill, and was interrupted by—

Mr. DAVIS. I cannot understand what the Secretary reads. I would like for him to read loud enough.

The PRESIDING OFFICER. If Senators would remain in their seats and be quiet they would be more apt to hear the reading of the Secretary.

Mr. HARVEY. I rise to a privileged question. I present resolutions from the Legislature of Kansas which I ask to have read.

Mr. EDMUNDS, (to Mr. SPENCER.) You cannot pass that bill.

Mr. SPENCER. There cannot be any objection to it.

Mr. EDMUNDS. We have no right to take up a bill of that character at this time of day that should be given to little bills.

Mr. SPENCER. This is a little bill.

Mr. HARVEY. I present resolutions as a question of privilege.

The PRESIDING OFFICER. The resolutions will be reported.

The Chief Clerk read as follows:

Resolved by the house of representatives, State of Kansas, (the senate concurring therein,) That whereas numerous persons in Osage, Morris, Wabaunsee, Lyon, Chase, Marion, Butler, Harvey, Reno, Sedgwick, Coffey, Linn, Miami, Anderson, Allen, Dickinson, Greenwood, Cherokee, and other counties in the State of Kansas, were permitted to homestead divers tracts of land under and in pursuance of the homestead law, giving each one hundred and sixty acres of Government land to actual settlers in said counties, and the persons so homesteading having received a certificate of entry from the officers at the local land offices at Junction City, Topeka, Humboldt, Fort Scott, and Augusta, Kansas; and whereas the officers of the said local land offices acted in good faith, as did also the persons taking such homesteads, neither of them having any notice from the Government that any other party or parties had any claim upon such lands, homesteaded entries, under the acts of Congress; and whereas the United States Government by the action of its officers at the local land offices above named suffered the said settlers to homestead the said lands and expend their money and labor in making valuable improvements in good faith on such homesteads, trusting in the fidelity of the Government to comply strictly with its pledge to give each actual settler one hundred and sixty acres of land by the settlers complying with certain requirements; and whereas after such persons were permitted by the Government officers to enter said lands and use their means in improving the same, through no fault of such homestead settlers, but by neglect of the Government in failing to notify the officers at said local land offices that there were other claims on said lands and that said lands were not subject to entry under homestead laws; and whereas said homesteaders have been notified by said officials from said local land offices as aforesaid that their homestead entries were canceled by order of the Secretary of the Interior on account of the claims of the Atchison, Topeka and Santa Fé Railroad Company, the Missouri, Kansas and Texas Railroad Company, the Leavenworth, Lawrence and Galveston Railroad Company, the Missouri River, Fort Scott and Gulf Railroad Company, and the Kansas Pacific Railroad Company, having a claim upon said land; and whereas said persons, if they are forced to abandon said lands, will be left penniless and robbed of the benefits of their hard labor in improving the same, and by no fault upon their part; and whereas the House of Representatives in Congress did, on May 4, 1874, pass a bill known as "An act to confirm pre-emption and homestead entries of public lands within the limits of railroad grants:" Therefore,

Resolved, SECTION 1. That the Senate of the United States is hereby earnestly requested to take immediate steps for the relief of said homestead settlers, that justice and right demand that these poor settlers should not be permitted to suffer on account of the negligence of the Government, that Congress should make satisfactory arrangements with said railroad companies, whereby the said settlers will be enabled to retain their homesteads and enjoy the blessings of their labor and their money, expended in improving the same.

SEC. 2. That our Senators and Representatives in Congress are hereby requested to use all honorable means to secure such legislation as will relieve said homestead settlers.

SEC. 3. That the Secretary of State is hereby directed to transmit forthwith to our Senators and Representatives in Congress, and to the President of the United States Senate, certified copies of the foregoing preamble and resolutions.

Passed the house of representatives February 16, 1875.

HENRY BOOTH,
Chief Clerk.

Concurred in by the senate February 18, 1875.

JOHN H. FOLK,
Secretary of Senate.

Mr. HARVEY. In connection with that I now move to take up House bill No. 3250, to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the Land Department.

Mr. SPENCER. I insist on the regular order, which is the reading of my bill.

Mr. HARVEY. I raised this question of privilege before the bill of the Senator from Alabama was taken up.

Several SENATORS. That was no question of privilege.

The PRESIDING OFFICER. The Secretary will report the bill of the Senator from Kansas.

Mr. STEWART. There is a bill pending.

Mr. SPENCER. My bill is pending.

Mr. HARVEY. No, sir; my bill is pending.

The PRESIDING OFFICER. The Senator from Alabama insists on the consideration of his bill, which was interrupted for the privileged question, which was the presentation of the resolutions of the Legislature of Kansas.

Mr. EDMUNDS. Which was not a privileged question at all.

Mr. HARVEY. Does the Chair decide that the bill of the Senator from Alabama was taken up before I obtained the floor?

The PRESIDING OFFICER. The Secretary was engaged in reading the bill when the Senator from Kansas rose to a privileged question. Now the Senator from Alabama insists on the consideration of his bill.

Mr. HARVEY. The resolution relates to a particular bill, and I called it up in connection with the reading of the resolution.

The PRESIDING OFFICER. That does not exclude the bill of the Senator from Alabama if he insists on his right to the floor.

Mr. SPENCER. I insist on proceeding with my bill.

The PRESIDING OFFICER. The Senator from Alabama insists on the consideration of the bill before the Senate.

Mr. HARVEY. Does the Chair rule that my motion to proceed to the consideration of this bill is out of order?

The PRESIDING OFFICER. The Chair states to the Senator from Kansas that he interrupted the pending question with a privileged question, as he stated, which was really no privileged question; but as it came to the desk and was being read the Chair allowed it to be read through. The Senator from Alabama now insists on proceeding with the pending bill.

INLAND AND SEA-BOARD COASTING COMPANY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2179) to incorporate the Inland and Sea-board Coasting Company of the District of Columbia.

Mr. EDMUNDS. Is there any provision providing for the right to alter, amend, or repeal the act?

Mr. SPENCER. Yes, in the fifth section. Let the fifth section be read.

The Secretary read as follows:

SEC. 5. That this act may at any time be altered or amended by Congress.

Mr. EDMUNDS. That does not provide that it may be repealed, I observe. I would like to hear that read again.

Section 5 was again read.

Mr. EDMUNDS. I move to make it read:

Altered, amended, or repealed by Congress.

Mr. SPENCER. I hope that amendment will not be adopted. It kills the bill. "Altered or amended" is certainly sufficient.

Mr. EDMUNDS. Yes, Mr. President, if I did not know that my friend from Alabama does not profess to be skilled in the law, and if I did not know that he did not draw the bill, I should say that somebody who did draw it had a variety of views on the subjects upon which the bill might operate and the securities it might provide for people who may be concerned with this company. Now, as I said before, I move to amend that bill so as to read:

That this act may at any time be altered, amended, or repealed by Congress.

Mr. SPENCER. I hope the amendment will not be adopted.

The amendment was agreed to.

Mr. EDMUNDS. I merely wish to say that I have got the disability bills together and when this bill is through I wish to take them up according to the understanding.

Mr. SPENCER. Let this bill pass first.

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

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

The bill was read the third time, and passed.

HIRAM W. LOVE.

Mr. PEASE. I move to take up Senate bill No. 1302, to refer the claim of Hiram W. Love, of the State of Iowa, to the Court of Claims.

Mr. EDMUNDS. I must put in a plea for my disabled citizens.

Mr. ROBERTSON. I object to the bill. It was before Congress at the last session.

Mr. PEASE. That bill was passed upon by the Committee on Claims, recommended by them, and there can be no objection to the case being referred to the Court of Claims. I move to proceed to its consideration.

Mr. CONKLING. I inquire is not that the bill that was considered once and debated at some length in the Senate?

Mr. PEASE. It was referred to the Committee on Claims, and they passed upon it.

Mr. CONKLING. It did come from the Committee on Claims.

Mr. PEASE. And was referred back to that committee. We have considered that bill. The committee were unanimous in the opinion that the bill should pass. They were of the opinion that it was of such a character that it required judicial investigation and they have instructed me to report this bill, and I hope it will pass.

The bill was read. It proposes that the claim of Hiram W. Love, of Iowa, for compensation for the destruction of his cotton crop, located in the county of Desha, Arkansas, by the Army of the United States, during the late war of the rebellion, with all the papers relating thereto, be referred to the Court of Claims to determine the actual loss sustained by the claimant, and award proper compensation.

Mr. CONKLING. Of course this bill cannot pass without an understanding. I take it the Senator would not ask those of us—and I am one of them—who debated this bill and assigned reasons which I thought were good against it—to accept it without any explanation or debate; and as we are now engaged in unobjected cases and are wasting our time otherwise, I hope the Senator will not insist on this bill.

Mr. PEASE. It seems to me a bill of this character ought to pass. The proposition is that the case shall undergo a judicial investigation. No one can object to that. The Government will certainly meet with no loss.

Mr. EDMUNDS. The statute of limitations has run on the claim if it is to go to the Court of Claims; and we never remove the bar of limitations, and have refused it in cases of this kind. If Congress choose to legislate on the equity of the relief, that is one thing; but if you open the door of the statute of limitations, you have no barrier, and you must open it to all. I submit that to the Senate.

The PRESIDING OFFICER. Does the Senator withdraw the bill?

Mr. PEASE. I have not withdrawn the bill. I demand a vote on this proposition. If it is voted down, all right; I have done my duty in the case.

Mr. EDMUNDS. I believe we are proceeding by unanimous consent to take up unobjected cases. Now, I do not wish to make a captious objection, I am sure; but the Senate ought to understand that this is a bill about which there is a serious difference of opinion in this body, not out of prejudice or hostility, but upon questions that have been debated here year after year.

Mr. PEASE. Not upon referring a case to the Court or Claims.

Mr. EDMUNDS. Yes; upon references of this kind to the Court of

Claims. I think I am somewhat familiar with the course of business here for the last four or five years, and all these matters of reference to the Court of Claims have generally undergone a contest; and now I put it to the Senator whether it is quite up to the understanding that he should insist on asking us to take up this bill when he understands there is an honest and serious objection to it.

Mr. PEASE. I should like the Senator to state his objection. It seems to me it is such a plain and palpable proposition that there can be no objection to it. If there is anything wrong it should undergo a judicial investigation by the Court of Claims.

Mr. EDMUNDS. I will state my objection, and that is that I object to the bill. I appeal to the Senator that we are considering unobjected cases. I do it with sorrow.

The PRESIDING OFFICER. The Chair so understood, that the Senate was proceeding with unobjected cases.

Mr. EDMUNDS. I hope the Senator will not misunderstand me. I wish to get up the disability bills.

The PRESIDING OFFICER. Objection is made to the consideration of this bill.

HOT SPRINGS RESERVATION.

Mr. FRELINGHUYSEN. I move to take up Senate bill No. 1096.

The motion was agreed to; and the bill (S. No. 1096) amendatory of the act entitled "An act in relation to the Hot Springs reservation in the State of Arkansas" was considered as in Committee of the Whole.

The bill amends the act in relation to the Hot Springs reservation in the State of Arkansas, passed in the year 1870, that the taking of an appeal, as provided in that act, shall in no manner supersede the action, authority, or power of the receiver provided for in the act.

Mr. THURMAN. Does the Senator from Arkansas desire that bill to be passed?

Mr. FRELINGHUYSEN. The Senator from Arkansas is aware of the bill, and he approves it, as I understand.

Mr. THURMAN. The bill came from the Judiciary Committee, and in my judgment it ought not to pass. So far as I am concerned I think it is a bill that ought not to pass. I do not think that it is right to appoint a receiver to take possession of lands and tenements and turn out fifteen hundred or more people from their homes before getting the final decree of a court that they are not entitled to the land.

Mr. FRELINGHUYSEN. The majority of the Committee on the Judiciary thought it was essential that this bill should pass. I have been informed by the Assistant Attorney-General that it is a question of $100,000, and he knows whether it ought to pass or not.

Mr. THURMAN. I do not know how that is.

Mr. FRELINGHUYSEN. As to its turning people out, it is only as to who shall receive the rent, not turning them out—whether the parties who have unjustly claimed this land shall receive the rent or the money go into the hands of a receiver after it has been received.

Mr. THURMAN. I have never been at the Hot Springs, but I am told there are three or four hundred families there. Whether I am correct or not I do not know, but there are Senators who have been there. Now, the idea that because the Court of Claims may have decided in favor of the United States, then when an appeal is taken to the Supreme Court there shall be a receiver appointed pending the litigation, seems to me to be a very odd proposition.

Mr. FRELINGHUYSEN. I will say to the Senator from Ohio that since he asked me the question the Senator from Arkansas [Mr. CLAYTON] states to me that he wishes this bill to become a law.

Mr. MORTON. The whole point, as I understand it, is this: There are three claimants of that property who are in receipt of rents and profits. The Court of Claims has decided that none of them is entitled. This is simply to receive the rents and profits until the final determination of the Supreme Court of the United States, so that they may be equitably and properly distributed.

Mr. FRELINGHUYSEN. Until they properly settle the question.

Mr. CLAYTON. I only say I hope this bill will pass.

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

MARTHA J. COSTON.

The PRESIDING OFFICER. The Chair will lay before the Senate the bill (H. R. No. 4867) for the relief of Martha J. Coston.

Mr. STEWART. That is a bill appropriating $15,000 for the relief of this lady. She manufactured signal-lights for the Government, under a contract before the issuance of greenbacks, and afterward duties were levied upon the articles that were used in the manufacture of those lights. Congress passed a law allowing contractors to be reimbursed for the amount of such duties. She went on, supposing she would be entitled to this reward, with manufacturing for a long time, but when she applied for it she was answered that her contract was not in writing, although the contract was acknowledged. The amount that would have been due her would have amounted to about $500, as the committee of the House have found, if she had been paid as others were under the contract. The reasoning of the committee shows she would be entitled to a much larger amount. They hold it is very proper that the Government ought not to attempt to get out of the contract on the ground that it was not in writing, while there was nothing in the law that required it to be in writing.

Mr. EDMUNDS. Do not insist on it.

Mr. ROBERTSON. I object to the consideration of that bill.

The PRESIDING OFFICER. That prevents its consideration, as only unobjected cases can be considered.

MASONIC RELIEF ASSOCIATION.

Mr. HAMILTON, of Maryland. I ask for the passage of a little bill. I hope the Senator from Vermont will yield to me.

Mr. EDMUNDS. I will yield to the Senator. Let us hear what you have.

Mr. HAMILTON, of Maryland. I move to take up House bill No. 4447.

The motion was agreed to; and the bill (H. R. No. 4447) to amend the act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, was considered as in Committee of the Whole.

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

EQUALIZATION OF BOUNTIES.

Mr. EDMUNDS. Mr. President, I want now, in pursuance of the understanding which was for eleven o'clock, to take up disability bills.

Mr. CONKLING. The Senator from Vermont——

Mr. LOGAN. I want to make a report from a committee of conference.

Mr. CONKLING. I want to appeal to the Senator to allow me to take up Senate bill No. 1247.

Mr. LOGAN. I have a conference report.

Mr. CONKLING. I believe I have the floor to appeal to the Senator from Vermont.

Mr. PATTERSON. While the Senators are talking I ask to take up——

JOHN R. HARRINGTON.

Mr. CONKLING. Is this in order? Somebody is out of order. I move to take up Senate bill No. 1247 for the relief of John R. Harrington, being a bill for the benefit of a blind man, a man entirely blind, which has been reported by the Committee on Patents. The Senator from Maryland, [Mr. HAMILTON,] whom I am glad to see here, reported the bill, and if need be in one moment can make a statement which will insure the vote of the Senate. I move that the bill be taken up.

The motion was agreed to; and the bill (S. No. 1247) for the relief of John R. Harrington was considered as in Committee of the Whole. It grants leave to John R. Harrington, of Brooklyn, New York, to make application to the Commissioner of Patents for an extension of letters-patent granted to him April 1, 1856, as reissued December 11, 1866, for improvements in carpet-lining, for the term of seven years.

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

EQUALIZATION OF BOUNTIES.

Mr. EDMUNDS. Mr. President——

Mr. LOGAN. I rise to ask a parliamentary question.

Mr. EDMUNDS. I cannot yield to anybody just here.

The PRESIDING OFFICER. The Senator from Illinois rises to a parliamentary question.

Mr. LOGAN. It is this: I rose a moment ago to make a report from a committee of conference, and the suggestion was made by the Senator from Vermont that the papers had not arrived from the House. I desire to know from the Chair whether I have to wait before I make the report to the Senate till the papers come here, when the papers belong to the House.

Mr. CONKLING. Undoubtedly.

Mr. LOGAN. It is a House bill amended by the Senate, and the conference committee agreed and reported to the House and the House has concurred in the report.

The PRESIDING OFFICER. The practice of the Senate has been to require the papers with the report.

Mr. LOGAN. The papers belong to the House.

Mr. EDMUNDS. If you have the papers you could report here first, and that would be all right.

Mr. LOGAN. I only know it has been done differently, because I have made reports differently myself. If that is the decision I must submit, but I know I have made reports without the papers.

The PRESIDING OFFICER. Is there objection to considering the report?

Mr. EDMUNDS. I object, not to the thing itself, but because I wish the regular course observed. We must have the papers here when a report is made, so that we can see how the report and bill agree.

Mr. LOGAN. How the report and bill agree?

Mr. EDMUNDS. Yes, sir; how the report and the bill agree, so that we can have the bill and the report read, if necessary. There is no doubt about it.

Mr. LOGAN. The bill cannot help agreeing with the report, because the bill has not been changed.

Mr. EDMUNDS. That we cannot tell till we see it.

Mr. LOGAN. I do not pretend to discuss this question with the Chair; but I know that I have made conference reports, and so have others, without the bill being here.

THOMAS T. FOUNTLEROY.

Mr. EDMUNDS. I move to take up House bill 3602.

The bill (H. R. No. 3602) to remove the political disabilities of Thomas T. Fountleroy and Charles H. Williamson, citizens of Virginia, was considered as in Committee of the Whole.

The Committee on the Judiciary reported the bill with an amendment to strike out in line 5 the words "and Charles H. Williamson, citizens."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in. The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed by a two-thirds vote.

The title was amended so as to read: A bill to remove the political disabilities of Thomas T. Fountleroy, of Virginia.

JAMES M. QUARLES.

Mr. EDMUNDS. I move to take up Senate bill No. 1260.

The bill (S. No. 1260) to remove the political disabilities of James M. Quarles, of Nashville, Tennessee, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed by a two-thirds vote.

BEVERLY KENNON.

Mr. EDMUNDS. I move to take up House bill No. 4562.

The bill (H. R. No. 4562) removing the political disabilities of Beverly Kennon, of Virginia, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed by a two-thirds vote.

ROBERT W. JOHNSON.

Mr. EDMUNDS. I move now to take up the case of Robert W. Johnson, being Senate bill No. 1331.

The bill (S. No. 1331) to remove the political disabilities of Robert W. Johnson, formerly of Arkansas, was considered as in Committee of the Whole.

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

CHARLES H. SMITH AND JAMES M. HAWES.

Mr. EDMUNDS. I move to take up House bill No. 4814.

The bill (H. R. No. 4814) to relieve Charles H. Smith, M. D., of Richmond, Virginia, and James M. Hawes, of Covington, Kentucky, of all political disabilities, was considered as in Committee of the Whole.

The Committee on the Judiciary reported the bill with an amendment, which was to strike out the words "Charles H. Smith, of Richmond, Virginia, also."

Mr. EDMUNDS. I wish that amendment disagreed to. When I reported the bill there was no petition from Smith. One has since come in, so that the gentleman comes within the rule. I wish the amendment disagreed to and the bill to pass as it is.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading; read the third time, and passed by a two-thirds vote.

JOHN WITHERS, JOSEPH F. MINTER, AND WILLIAM KEARNEY.

Mr. EDMUNDS. I move to take up the case of Withers, Minter, and Kearney.

The bill (H. R. No. 4321) removing the political disabilities of John Withers, Joseph F. Minter, and William Kearney, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed by a two-thirds vote.

EDWARD BOOKER.

Mr. EDMUNDS. I move now to take up the case of Edward Booker.

The motion was agreed to; and the bill (H. R. No. 3891) relieving the political disabilities of Edward Booker, of Henry County, Virginia, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed by a two-thirds vote.

ROBERT H. ANDERSON.

Mr. EDMUNDS. I move to take up the case of Anderson.

The bill (S. No. 917) for the relief of Robert H. Anderson, of the county of Chatham, State of Georgia, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed by a two-thirds vote.

S. D. LEE.

Mr. EDMUNDS. I move to take up Senate bill No. 1280.

The bill (S. No. 1280) to remove the political disabilities of S. D. Lee, of Mississippi, was considered as in Committee of the Whole.

The Committee on the Judiciary proposed an amendment to strike out the words "legal and" before "political disabilities."

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 by a two-thirds vote.

O. R. SINGLETON.

Mr. EDMUNDS. I move to take up House bill No. 4753.

The bill (H. R. No. 4753) removing the political disabilities of O. R. Singleton, of Mississippi, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed by a two-thirds vote.

P. U. MURPHY AND JOHN A. BROWN.

Mr. EDMUNDS. I move to take up House bill No. 3918.

The bill (H. R. No. 3918) to relieve P.U. Murphy and John A. Brown, of Alabama, of political disabilities was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed by a two-thirds vote.

ISAAC N. BROWN.

Mr. EDMUNDS. I move to take up House bill No. 4675.

The bill (H. R. No. 4675) to relieve Isaac N. Brown of his political disabilities was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed by a two-thirds vote.

Mr. EDMUNDS. Expressing my thanks to the Senate for its kind attention I yield the floor to everybody.

FREDERICK PEARSON.

Mr. ROBERTSON. I ask the Senate to take up and pass House bill No. 4466.

The bill (H. R. No. 4466) permitting Lieutenant-Commander Frederick Pearson, of the Navy, to accept a decoration from the Queen of Great Britain was read.

Mr. FERRY, of Connecticut. I object to that bill.

LYDIA CRUGER.

Mr. PATTERSON. I ask for the consideration of House bill No. 4839 with the consent of the chairman of the Committee on Claims.

The bill (H. R. No. 4839) for the relief of Lydia Cruger, executrix of Moses Shepherd, deceased, was considered as in Committee of the Whole. It provides that the claim heretofore reported to Congress by the Court of Claims in favor of Lydia Cruger, executrix of Moses Shepherd, deceased, be referred back to the court, with power to hear and determine the same, as in other cases, and with the right to either party to use the evidence heretofore taken, so far as the court shall deem the same pertinent and competent.

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

FREDERICK PEARSON.

Mr. MORTON. I move to proceed to the consideration of House bill No. 4866.

Mr. FRELINGHUYSEN. Before that bill is taken up I ask my friend from Indiana to give way, as the objection is removed, to the bill that has been read in the case of Pearson.

The bill (H. R. No. 4466) permitting Lieutenant-Commander Frederick Pearson, of the Navy, to accept a decoration from the Queen of Great Britain was considered as in Committee of the Whole, reported to the Senate, ordered to a third reading, read the third time, and passed.

NATHANIEL H. M'LEAN.

Mr. MORTON. I move to proceed to the consideration of House bill No. 4866.

The bill (H. R. No. 4866) for the relief of Major Nathaniel H. McLean, late of the Adjutant-General's Department of the Army, was read three times, and passed. It authorizes the President to appoint Major Nathaniel H. McLean, late of the United States Army, to fill the first vacancy which may occur in the lowest grade of the Adjutant-General's Department, or if he shall deem it best to reinstate and retire him with the rank to which he would have attained in service at the date of the passage of the act.

WITHDRAWAL OF PAPERS.

On motion of Mr. PRATT, it was

Ordered, That Daniel D. Haven have leave to withdraw his petition and papers from the files of the Senate.

On motion of Mr. WINDOM, it was

Ordered, That Basil Moreland, of Mankato, Minnesota, have leave to withdraw his petition and papers from the files of the Senate.

On motion of Mr. SCHURZ, it was

Ordered, That the Committee on Naval Affairs be discharged from the further consideration of the petition of Daniel L. Duffy, and that he have leave to withdraw his petition from the files of the Senate.

DEFICIENCY APPROPRIATION BILL.

Mr. MORRILL, of Maine, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 4851) making appropriations to supply deficiences in the appropriations for the fiscal year ending June 30, 1875, and prior years, and for other purposes, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from their amendments numbered 25, 13, 14, 15, 16, 17, 18, and 19.

That the House recede from its disagreements to the amendments of the Senate numbered 4, 11, 21, 22, 23, 24, 26, 27, 29, 31, 36, and 37.

That the House recede from its disagreement to the amendment numbered 1, and agree to the same with an amendment adding the words: "To enable the Clerk of the House to pay clerks of committees of the House $8,000, to be added to the contingent fund of the House; and the Senate agree to the same."

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment striking out the words "sixty-two" and inserting in lieu thereof the word "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to amendment numbered 30, and agree to the same with an amendment striking out the words "seventy-five" and inserting in lieu thereof the word "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 38, and agree to the same with an amendment to strike out and insert the following:

That any Indian born in the United States, who is the head of a family, or who has arrived at the age of twenty-one years, and who has abandoned, or may hereafter abandon his tribal relations, shall, on making satisfactory proof of such abandonment, under rules to be prescribed by the Secretary of the Interior, be entitled to the benefits of the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May 20, 1862, and the acts amendatory thereof, except that the provisions of the eighth section of the said act shall not be held to apply to entries made under this act: *Provided, however*, That the title to lands acquired by any Indian by virtue hereof shall not be subject to alienation or incumbrance, either by voluntary conveyance or the judgment, decree, or order of any court, and shall be and remain inalienable for a period of five years from the date of the patent issued therefor: *Provided*, That any such Indian shall be entitled to his distributive share of all annuities, tribal funds, lands, and other property, the same as though he had maintained his tribal relations; and any transfer, alienation, or incumbrance of any interest he may hold or claim by reason of his former tribal relations shall be void.

That in all cases in which Indians have heretofore entered public lands under the homestead law, and have proceeded in accordance with the regulations prescribed by the Commissioner of the General Land Office, or in which they may hereafter be allowed to so enter under said regulations prior to the promulgation of regulations to be established by the Secretary of the Interior under the first section of this act, and in which the conditions prescribed by law have been or may be complied with, the entries so allowed are hereby confirmed, and patents shall be issued thereon; subject, however, to the restrictions and limitations contained in the first section of this act in regard to alienation and incumbrance.

That the House recede from their disagreement to the amendment numbered 3, and agree to the same with an amendment, adding the words "and to report the same to Congress at its next session."

That the Senate agree to the amendment of the House numbered 12.

That the Senate agree to the amendment of the House numbered 27.

LOT M. MORRILL,
W. B. ALLISON,
J. W. STEVENSON,
Managers on the part of the Senate.

L. C. PARKER,
JOHN T. AVERILL,
WM. E. NIBLACK,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 757) to donate a certain portion of the military reservation of Fort Brady to school district No. 1, in township of Sault Sainte Marie, and State of Michigan, for school purposes;

A bill (S. No. 324) for the relief of M. Von Entress Fuersteneck, late second lieutenant of the Sixty-eighth New York Volunteers; and

A bill (S. No. 976) to promote economy and efficiency in the marine-hospital service.

The message also announced that the House receded from its disagreement to the amendments of the Senate to the bill (H. R. No. 3341) to equalize the bounties of soldiers who served in the late war for the Union.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 4528) amendatory of the act approved March 3, 1873, entitled "An act authorizing the construction of a bridge across the Mississippi River at Saint Louis, in the State of Missouri.

ENROLLED BILLS SIGNED.

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

A bill (S. No. 55) to authorize the construction of a public building at Topeka, Kansas;

A bill (S. No. 271) for the relief of Frances A. Robinson, administratrix of the estate of John M. Robinson;

A bill (S. No. 411) for the relief of Holy Cross Mission, in the Territory of Dakota;

A bill (S. No. 560) for relief of William M. Denny, major of the Fifty-first Indiana Volunteer Infantry;

A bill (S. No. 468) authorizing the coinage of a twenty-cent piece of silver at the mints of the United States;

A bill (S. No. 706) to amend section 1422 of the Revised Statutes of the United States relating to the better government of the Navy of the United States;

A bill (S. No. 755) to relieve James Jackson, of Georgia, of his political disabilities;

A bill (S. No. 819) for the the relief of George W. Dawson;

A bill (S. No. 843) for the relief of the survivors of the Polaris;

A bill (S. No. 909) approving an act of the Legislative Assembly of Colorado Territory;

A bill (S. No. 951) for the relief of John Montgomery and Thomas E. Williams;

A bill (S. No. 996) for the relief of the Allegheny Valley Railroad Company;

A bill (S. No. 1019) to make an appropriation for public buildings at Covington, Kentucky;

A bill (S. No. 1097) to donate to the State of Oregon a public building, lot, and material, situated at The Dalles, Oregon;

A bill (S. No. 1125) for the relief of the Terre Haute and Indianapolis Railroad Company, successor of the Terre Haute and Richmond Railroad Company, in the State of Indiana;

A bill (S. No. 1147) for the relief of Courtland Parker, as administrator of George W. Anderson, deceased;

A bill (S. No. 1156) for the relief of Joseph H. Colton;

A bill (S. No. 1185) for the relief of F. V. Hayden;

A bill (S. No. 1222) to authorize the trustees of the Young Men's Benevolent Association of Washington to sell and convey square No. 272 in the city of Washington;

A bill (S. No. 1230) to authorize the construction of a ponton wagon-bridge across the Mississippi River, at or near the city of Dubuque, in the State of Iowa;

A bill (S. No. 1237) to amend section No. 3342 of the Revised Statutes of the United States in relation to affixing stamps on brewers' casks;

A bill (S. No. 1240) to extend the time within which the board of audit for the District of Columbia may receive, audit, and allow certain claims that have never been presented to said board;

A bill (S. No. 1270) to authorize the purchase of a site for public buildings at Harrisburgh, Pennsylvania;

A bill (S. No. 1296) to authorize the acceptance in behalf of the United States of America of certain real property occupied by the United States consul at Tunis; and

A bill (S. No. 1297) to provide for the republication of the first volume of the Patent Office Gazette;

PUBLIC BUILDING AT ATLANTA.

Mr. GORDON. I move that the Senate proceed to the consideration of House bill No. 3762.

The bill (H. R. No. 3762) to amend the act entitled "An act for the erection of a public building for the use of the United States in Atlanta, Georgia," was considered as in Committee of the Whole. It amends the act for the erection of a public building for the use of the United States in Atlanta, Georgia, approved February 12, 1873, so that the sum of money authorized to be expended in the construction of the building is fixed at $250,000.

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

EQUALIZATION OF BOUNTIES.

Mr. LOGAN. Although the House of Representatives have receded from their vote against our amendments to the bounty bill, and thereby passed the bill as I understand, yet I desire to have the conference report agreed to.

Mr. MORRILL, of Vermont. My colleague is not here. He made objection to that report being received until it could be received in order.

Mr. LOGAN. It has been reported from the House. I now submit the report.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The report will be read.

Mr. LOGAN. I cannot wait for the expiration of time to allow objection to a conference report being received when it was never before objected to.

The report was read as follows:

The committee of conference of the two Houses on the disagreeing votes on the bill H. R. No. 3341, a bill to equalize the bounties of soldiers who served in the late war for the Union, having met, after full and free conference have agreed to recommend to their respective Houses—

That the House recede from its vote non-concurring in the amendments of the Senate, and agree to the same.

JOHN A. LOGAN,
H. HAMLIN,
GEORGE E. SPENCER,
Managers on the part of the Senate.

LEWIS B. GUNCKEL,
JOHN COBURN,
CHARLES A. ELDREDGE,
Managers on the part of the House.

Mr. SPRAGUE. I move that that report lie on the table, and call for the yeas and nays.

The PRESIDING OFFICER. The Senator from Rhode Island moves to lay the report of the committee of conference on the table, and calls for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. SHERMAN. That does not make a bit of difference.

Mr. LOGAN. The bill is passed.

The yeas and nays were taken.

The roll-call having been concluded—

Mr. WEST. Before the vote is announced on this question I desire to know whether it is in order to make a parliamentary inquiry?

The PRESIDING OFFICER. Nothing is in order until the vote is announced.

The result was announced—yeas 30, nays 24; as follows:

YEAS—Messrs. Anthony, Bayard, Boutwell, Chandler, Cooper, Davis, Dennis, Eaton, Edmunds, Ferry of Connecticut, Frelinghuysen, Gilbert, Goldthwaite, Hager, Hamilton of Maryland, Hamilton of Texas, Johnston, Jones, Kelly, McCreery, Merrimon, Morrill of Vermont, Norwood, Ransom, Robertson, Sargent, Saulsbury, Sprague, Stevenson, and Stewart—30.

NAYS—Messrs. Cameron, Conkling, Cragin, Dorsey, Ferry of Michigan, Flanagan, Hamlin, Harvey, Hitchcock, Ingalls, Logan, Mitchell, Morrill of Maine, Morton, Oglesby, Patterson, Pease, Pratt, Scott, Spencer, Tipton, West, Windom, and Wright—24.

ABSENT—Messrs. Alcorn, Allison, Bogy, Boreman, Brownlow, Carpenter, Clayton, Conover, Fenton, Gordon, Howe, Lewis, Ramsey, Schurz, Sherman, Stockton, Thurman, Wadleigh, and Washburn—19.

So the report was ordered to lie on the table.

Mr. WEST. I now make this inquiry. This was a House bill. It came to the Senate and was amended. It went back to the House and the House refused to concur in the amendments. It was then submitted to a commitee of conference. Upon that conference report the House receded from its non-concurrence and has concurred. I would like to ask the Chair in what condition does that leave the bill in this body?

The PRESIDING OFFICER. The Chair would inform the Senator that the Chair does not feel called upon to answer any parliamentary inquiries as to matters not before the body.

Mr. HAMILTON, of Maryland. I rise to a question of order.

The PRESIDING OFFICER. The report of the committee of conference lies on the table.

Mr. MORRILL, of Vermont. And has not been accepted.

LANDS AT VINCENNES.

Mr. MORTON. I move to proceed to the consideration of House bill No. 3399.

The bill (H. R. No. 3399) authorizing the sale of certain lands at Vincennes, Indiana, was considered as in Committee of the Whole.

The Committee on Private Land Claims proposed to amend the bill by striking out in lines 7 and 8 the words "as in other sales of public lands."

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

THANKS TO VICE-PRESIDENT.

Mr. BAYARD submitted the following resolution; which was agreed to unanimously:

Resolved, That the thanks of the Senate are due and hereby are tendered to the Hon. HENRY WILSON, Vice-President of the United States, for the courtesy, impartiality, and ability with which he has presided over their deliberations.

PUBLIC BUILDING IN ATLANTA.

Mr. GORDON. By an inadvertence we passed a while ago the wrong bill. I ask that the bill I now send up be substituted therefor.

The bill (H. R. No. 4685) authorizing the Secretary of the Treasury to use his discretion in the selection of material for the construction of a public building at Atlanta, Georgia, was considered as in Committee of the Whole.

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

SETTLERS ON RAILROAD LIMIT LANDS.

Mr. SARGENT. I ask for the consideration of House bill No. 2502, reported unanimously by the Committee on Public Lands.

The bill (H. R. No. 2502) for the relief of settlers on lands within railroads limits was considered as in Committee of the Whole. It provides that where any person or persons who shall have paid for any lands situate within the limits of any grant of lands by Congress to aid in the construction of any railroad, the price of such lands being fixed by law at double-minimum rates, and such lands having been forfeited to the United States for failure to build such railroad, such person or persons shall have the right to locate on any unoccupied lands an amount equal to their original entry without further cost, except such fees as are now provided by law in pre-emption cases, but when such location is upon double-minimum lands, one-half the amount only shall be taken.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 831) for the relief of D. R. Haggard, of Kentucky.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on 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.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on 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.

ENROLLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed sundry enrolled bills.

Mr. EDMUNDS. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Vermont will state the question of order.

Mr. EDMUNDS. I insist on the message from the House of Representatives being read so that we may know what enrolled bills are signed by the Speaker.

Mr. SARGENT. Let me make a report from a committee of conference.

Mr. EDMUNDS. I want to know this now.

The PRESIDING OFFICER. The Clerk will report the titles of the enrolled bills sent from the House.

Mr. EDMUNDS. Subject to all points of order; if the Senate is willing that the Senator from California may make his report I make no objection.

Mr. SARGENT. The Senator yields to me to make a report.

The PRESIDING OFFICER. The report from the committee of conference will be read.

SUNDRY CIVIL APPROPRIATION BILL.

The Secretary read the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate 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, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses the following:

That the Senate recede from its amendments numbered 7, 9, 13, 25, 27, 28, 29, 30, 34, 35, 43, 45, 46, 47, 48, 49, 56, 65, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 80, 83, 86, 87, 88, 89, 90, 93, 112, 113, and 115.

That the House recede from its disagreement to the amendments numbered 8, 15, 21, 31, 44, 53, 57, 60, 66, 82, 85, 97, 98, 100, 102, 103, 106, 107, 108, 109, 114, 119, and 122; and the Senate agree to the same.

That the Senate recede from its disagreememt to the amendment of the House to the amendment numbered 1, and agree to the same.

That the Senate recede from its amendment numbered 2, with an amendment as follows: Strike out the word "and" where it occurs in line 26, page 3 of the bill, and insert after the word "refuge" in line 27, same page, "and sites for beacons;" and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 16, and agree to the same with an amendment striking out after the word "purposes" in line 3 down to and including the word "thousand" in line 4, and inserting in lieu thereof "185,000;" and striking out all of the proviso down to and including the word "specified" in line 18 of said amendment; and the Senate agree to the same.

That the House recede from it disagreement to the amendment numbered 20, and agree to the same with an amendment, as follows: After the word "claims" in said amendment insert "of the Senate;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 22, and agree to the same with an amendment, as follows: Substitute for the word "seventy-five" the word "sixty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 39, and agree to the same by inserting after the words "Yerba Buena" the word "island;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 40, with an amendment substituting for the words proposed to be stricken out the following: "That the Secretary of the Interior be, and is hereby, authorized and directed to cause a careful examination to be made for the purpose of ascertaining whether any person, firm, or corporation is now occupying any larger portion of the land known as the Rancho Panoche Grande than is authorized and allowed by the laws relating to mining lands, and that he make a full and detailed report of such examination to Congress at the beginning of the next session; and to enable the Secretary of the Interior to carry into effect this provision, the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated."

That the House recede from its disagreement to the amendment numbered 42, and agree to the same by substituting for the words proposed to be inserted the word "seventy-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 64, and agree to the same with an amendment substituting the word "forty" for "twenty" in said amendment; and the Senate agree to the same.

That the House recede from its amendment to the amendment of the Senate numbered 95, and agree to the same.

That the Senate recede from so much of its amendment as strikes out section 2 of the bill, with an amendment striking out all after the word "dollars" in lines 57 to 73 of the bill down to and including the word "six," and inserting in lieu thereof the following: "two chiefs of divisions, at $2,400 each; two clerks of class four; five clerks of class three;" and the House agree to the same as so modified.

That the House recede from its disagreement to the amendment numbered 124, and agree to the same with an amendment striking out the word "copies" and inserting in lieu thereof the words "one copy;" and the Senate agree to the same.

AARON A. SARGENT,
STEPHEN W. DORSEY,
JAMES K. KELLY,
Managers on the part of the Senate.

JAMES A. GARFIELD,
EUGENE HALE,
Managers on the part of the House.

The report was concurred in.

ENROLLED BILLS.

The PRESIDING OFFICER. Does the Senator from Vermont still insist on his call for the reading of the enrolled bills signed by the Speaker of the House?

Mr. EDMUNDS. Yes, sir.

The PRESIDING OFFICER. They will be reported by the Clerk.

The SECRETARY. The following enrolled bills have been signed by the Speaker of the House of Representatives:

A bill (H. R. No. 4801) granting a pension to Micajah Stout;

A bill (H. R. No. 4771) granting a pension to Charles A. Draher;

A bill (H. R. No. 1606) granting a pension to Stephen Weatherlow;

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. 3713) granting a pension to Sarah S. Cooper;
A bill (H. R. No. 4775) granting a pension to Margaret Pattison;
A bill (H. R. No. 4754) granting a pension to Betsey A. Eaton;
A bill (H. R. No. 4777) granting a pension to James A. Forgey;
A bill (H. R. No. 4800) granting a pension to John H. Looby;
A bill (H. R. No. 1063) to restore Captain John C. Beaumont, of the United States Navy, to his original position in the Navy;
A bill (H. R. No. 4329) granting a pension to William H. Small;
A bill (H. R. No. 965) granting a pension to Samuel Purcell:
A bill (H. R. No. 4502) for the relief of Mary L. Woolsey, widow of the late Commodore Melancthon B. Woolsey, of the Navy;
A bill (H. R. No. 4776) granting a pension to Elizabeth Lanning;
A bill (H. R. No. 4769) granting a pension to Abraanna L. Dunn;
A bill (H. R. No. 3718) granting a pension to Cornelia M. Arthur;
A bill (H. R. No. 4763) granting a pension to Lafayette Briggs;
A bill (H. R. No. 4767) for the relief of Ferdinand Monti; and
A bill (H. R. No. 4755) granting a pension to William Lyon.

The VICE-PRESIDENT signed these enrolled bills.

PETERS & READ.

Mr. NORWOOD. I move that the Senate proceed to the consideration of House bill No. 565.

The bill (H. R. No. 565) for the relief of Peters & Reed, naval contractors at the Norfolk navy-yard in the year 1860, was read.

Mr. SHERMAN. I call for the reading of the report in that case. This bill appropriates a large sum.

The PRESIDING OFFICER. The Clerk will proceed to read the report in the case.

Mr. MORTON. I move to proceed to the consideration of House bill No. 3176.

The PRESIDING OFFICER. There is a bill pending which was taken up on the motion of the Senator from Georgia.

Mr. SHERMAN. Under the circumstances I move to lay the bill on the table.

The motion was agreed to.

JOHN W. MARSH.

Mr. WADLEIGH. I move to take up from the table the motion of the Senator from Indiana [Mr. PRATT] to reconsider the vote whereby the bill (H. R. No. 3170) for the relief of John W. Marsh was postponed indefinitely.

The motion was agreed to.

The motion to reconsider was agreed to.

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

ORDER OF BUSINESS.

Mr. MORTON. I move to take up House bill No. 3176.

Mr. BOUTWELL. I believe the Senator from Indiana has already had the floor on one bill, and I claim the right.

Mr. MORTON. I do not often trouble the Senate. I hope I shall be allowed to have this bill disposed of.

Mr. BOUTWELL. I raise the question that under the agreement the Senator from Indiana has already had the floor to pass one bill.

The PRESIDING OFFICER. The Chair cannot decide questions of agreement between Senators.

Mr. BOUTWELL. I appeal to the Senator from Indiana. I ask for the decision of the Chair on the question I raise.

The PRESIDING OFFICER. The Chair declines to decide a question of courtesy between Senators.

Mr. MORTON. The Senator from Vermont awhile ago had the floor and passed a dozen bills.

Mr. BOUTWELL. That was under special agreement.

Mr. PRATT. It is House bill No. 3176 that my colleague wishes to have considered.

Mr. BOUTWELL. I shall object to the bill unless I have my rights.

The PRESIDING OFFICER. The Clerk cannot find the bill called for by the Senator from Indiana just at present.

ROADS IN ARIZONA.

Mr. JONES. I ask leave to take up House bill No. 2419.

The bill (H. R. No. 2419) to provide for the construction of military roads in Arizona, was considered as in Committee of the Whole. It appropriates $15,000, to be used, under the direction of the Secretary of War, in the construction of military roads in the Territory of Arizona, from Fort Whipple to Camp McDowell, with a branch to Camp Verde; and from Fort Whipple to Skull Valley direct.

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

LOWELL A. CHAMBERLAIN.

Mr. BOUTWELL. I ask for the consideration of joint resolution No. 102.

The joint resolution (H. R. No. 102) for the relief of Lowell A. Chamberlain was considered as in Committee of the Whole. It empowers the President to restore Lowell A. Chamberlain to his position in the First Regiment of Artillery, United States Army, with the same rank and date of commission, and without forfeiture of pay, as if he had not tendered his resignation, if the President shall be convinced, upon an examination of the evidence in the case, that the dismissal of the said Chamberlain by sentence of the general court-martial before which he was tried would have been unjust and not warranted by the facts. No vacancy which may hereafter occur in the grade of first lieutenant in the First Regiment of Artillery, United States Army, is to be filled until the number of officers in that grade in the regiment shall be reduced to the number now allowed by law.

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

PORTLAND, DALLES AND SALT LAKE RAILROAD.

Mr. MITCHELL. I ask for the consideration of Senate bill No. 1310.

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 was considered as in Committee of the Whole. It extends the time for the completion of the survey and location of the Portland, Dalles and Salt Lake Railroad and branches two years from the 14th day of April, 1875.

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

AGRICULTURAL REPORTS FOR 1872 AND 1873.

Mr. ANTHONY. The Committee on Printing reported some time since a resolution of the House of Representatives to print additional copies of the report of the Commissioner of Agriculture, and reported it without recommendation, because there was no mode of distributing documents. The mode has now been provided, and members and Senators have desired that there might be a vote on the resolution. If it will cause no debate I will call it up.

The resolution was read, as follows:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed of the annual report of the Commissioner of Agriculture for the year 1872, two hundred and thirty thousand copies, of which fifty thousand shall be for the use of the Senate and one hundred and eighty thousand for the use of the House of Representatives; and that there be printed of the report of the said Commissioner for the year 1873 one hundred and fifty-five thousand copies, of which thirty-five thousand copies shall be for the use of the Senate and one hundred and twenty thousand copies for the use of the House of Representatives.

Mr. MORRILL, of Vermont. Evidently this cannot pass without considerable debate. I hope the Senator from Rhode Island will withdraw it.

Mr. FRELINGHUYSEN. I hope we may have an opportunity to vote upon it. It is now too late for debate. There has been provided a means by which these reports can be circulated. Let us have a vote. If the Senate do not want them, they can vote down the resolution.

Mr. MORRILL, of Vermont. I trust it will not be acted on at the present time. This is reintroducing the old system of public documents for distribution by members of Congress. I had supposed we were entirely through with it, but at all events under the arrangement that we made here this morning no business was to be done that was objected to, and I object to this.

The PRESIDING OFFICER. The Chair does not understand that one objection carries the resolution over.

Mr. SHERMAN. This will undoubtedly give rise to debate.

Mr. FRELINGHUYSEN. I hope we may have a vote on the question.

Mr. MORRILL, of Vermont. I appeal to the Senator from New Jersey if there was not an understanding that no business should be transacted this morning except such as was not objected to?

Mr. FRELINGHUYSEN. I understand the Chair that such was not the understanding.

The PRESIDING OFFICER. The question is on the resolution reported by the Senator from Rhode Island, upon which an amendment is pending which will be read.

Mr. SHERMAN. I desire to address the Senate briefly upon this subject. This resolution has been pending about two years I believe. I ask the Senator from Rhode Island——

Mr. ANTHONY. We have printed none for two years.

Mr. SHERMAN. This is to publish a public report of the Commissioner of Agriculture of two years ago.

Mr. ANTHONY. Both the report of two years ago and of one year ago.

Mr. SHERMAN. If you send an agricultural report two years old to a farmer he will not thank you. This provides for the publication of four hundred thousand volumes, most of them reports two years old and some a year old, costing about half a dollar apiece, or $200,000. Is it worth while for us to add to the expiring agonies of this Congress by doing an act so unnecessary, so uncalled for as to spend $200,000 in the publication of documents two years old that were not of much value even when they were new? I hope the Senator from Rhode Island will allow this matter to go over. He cannot pass it without exciting some debate.

The PRESIDING OFFICER. Does the Senator from Rhode Island insist on the consideration of the resolution?

Mr. ANTHONY. If it is going to excite debate, I suppose I cannot insist on it. I should like to vote. I do not care whether it is voted up or down.

The PRESIDING OFFICER. The question is on the resolution.

The resolution was rejected.

WILLIAM GREEN.

Mr. MORTON. The bill which I wanted taken up has been found. I ask for its consideration.

The bill (H. R. No. 3176) for the relief of William Green was considered as in Committee of the Whole. It provides for the payment to William Green, surviving partner of the firm of Emison & Green, the sum of $377, for services performed by the firm as mail-messengers in carrying the mails to and from the post-office at the city of Vincennes, in the State of Indiana, from the 1st of July, 1854, to the 6th of September, 1855.

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

COMMITTEE TO WAIT ON THE PRESIDENT.

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

Resolved, That there be appointed a committee to consist of two members of the Senate, to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States and inform him that Congress, having finished its business, is now ready to close its present session by adjournment.

The VICE-PRESIDENT appointed Mr. CONKLING and Mr. THURMAN.

S. K. THOMPSON.

Mr. CLAYTON. I move to take up Senate bill No. 1078.

The motion was agreed to; and the bill (S. No. 1078) for the relief of S. K. Thompson, late second lieutenant in the Twenty-fifth United States Infantry, was considered as in Committee of the Whole. It is a direction to the Secretary of War to amend the record of S. K. Thompson so that he shall appear on the rolls and records of the Army for rank as if he had been continuously in service.

The Committee on Military Affairs proposed to amend the bill by striking out all after the enacting clause and inserting:

That the Secretary of War is hereby authorized and directed to appoint S. K. Thompson to the rank of second lieutenant in the Army.

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.

NATHANIEL G. SMITH.

Mr. FERRY, of Michigan. I wish to say that by an arrangement this morning Senators were permitted to go to the Calendar and reach bills in their care. Unfortunately I occupied the chair at the time and was deprived of that privilege. Now I ask permission to take up three bills on the Calendar.

The PRESIDING OFFICER. Is there objection?

Mr. FERRY, of Michigan. I ask first for the consideration of Senate bill No. 1206.

The bill (S. No. 1206) for the relief of Nathaniel G. Smith, postmaster at Flemington, New Jersey, was read the second time, and considered as in Committee of the Whole. It appropriates $845 to reimburse Nathaniel G. Smith, postmaster at Flemington, New Jersey, for stamps stolen from the post-office at that place on the night of November 12, 1873.

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

NELSON GREEN.

Mr. FERRY, of Michigan. I ask the consideration of House bill No. 3611.

The bill (H. R. No. 3611) for the relief of Nelson Green was considered as in Committee of the Whole. It directs the Postmaster-General to release Nelson Green, of Bay City, Michigan, a mail contractor on mail-routes numbered 24366, being from Granton to Au Sable, and 24367, from Alpena to Au Sable, in Michigan, from the performance of that service.

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

WILLIAM CHESTER.

Mr. FERRY, of Michigan. I ask the Senate to take up Senate bill No. 692.

The bill (S. No. 692) for the relief of William Chester was considered as in Committee of the Whole. It is a direction to the proper accounting officer of the Post-Office Department to credit William Chester, postmaster at Knobnoster, Johnson County, Missouri, with the sum of $329.85 on his account as postmaster, that being the amount of postage-stamps and postal money stolen from that post-office on the 11th day of May, 1872, by the burglarious entry of the building in which the office was kept.

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

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:

The bill (S. No. 535) granting a pension to Livana Ingraham;

The bill (S. No. 679) to establish the boundary line between the State of Arkansas and the Indian country;

The bill (S. No. 763) explaining the intent and meaning of the fourth section of the act entitled "An act in addition to certain acts granting bounty lands to certain officers and soldiers who have been engaged in the military service of the United States," approved March 3, 1855;

The bill (S. No. 841) to place the name of Daniel H. Kelly upon the muster-roll of Company F, Second Tennessee Infantry;

The bill (S. No. 917) for the relief of Robert H. Anderson, of the County of Chatham, State of Georgia;

The bill (S. No. 1260) to remove the political disabilities of James M. Quarles, of Nashville, Tennessee; and

The bill (S. No. 1331) to remove the political disabilities of Robert W. Johnson, formerly of Arkansas.

ENROLLED BILLS.

The message also announced that the Speaker of the House had signed sundry enrolled bills.

Mr. FERRY, of Michigan. I have only one more bill.

Mr. MORRILL, of Vermont. I rise to a question of order. I desire to know whether the bounty bill is among those bills that are now proposed to be signed as enrolled bills.

The VICE-PRESIDENT signed the following enrolled bills:

A 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;

A 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; and

A bill (H. R. No. 3341) to equalize the bounties of soldiers who served in the late war for the Union.

Mr. DAVIS. There is an objection to the signing of that bill.

Mr. FERRY, of Michigan. I have one more bill to call up.

Mr. MORRILL, of Vermont. I rise to a question of order.

Mr. HAMILTON, of Maryland. I desire to know what has become of the bill just announced.

The PRESIDING OFFICER, (Mr. INGALLS.) It has been signed by the Vice-President.

Mr. LOGAN. By the Speaker and by the Vice-President.

Mr. FERRY, of Michigan. What has become of my bill? I want to take up Senate bill No. 927.

The PRESIDING OFFICER. The Clerk will report the bill.

The SECRETARY. A bill (S. No. 927) for the relief of Thomas Sprinkle, jr.

Mr. MORRILL, of Vermont. I rise to a question of order. Before that bill was signed——

The PRESIDING OFFICER. The Senator from Vermont will state the question of order.

Mr. MORRILL, of Vermont. That the bounty bill was submitted to a conference committee and that it reported it, and its report was laid upon the table.

Mr. FERRY, of Michigan. I desire to have my bill sent to the other House.

Mr. MORRILL, of Vermont. I raise the question of order that this bill having been submitted to a conference committee and reported back here and the report laid on the table, the Vice-President cannot legally sign the bill.

The PRESIDING OFFICER. The Senator from Michigan moves the consideration of a bill which will be reported by the Clerk.

Mr. DAVIS. Mr. President——

Mr. MORRILL, of Vermont. What has become of my question?

The PRESIDING OFFICER. There is no question of order pending before the Senate.

Mr. MORRILL, of Vermont. I raise the question.

The PRESIDING OFFICER. The Chair cannot entertain a question of order in regard to what is not under consideration.

Mr. FERRY, of Michigan. Then I ask for the consideration of the bill called up by me.

Mr. DAVIS. Is not the bill before you? Is it not under consideration?

The PRESIDING OFFICER. It is not before the Chair.

Mr. FERRY, of Michigan. The Senator from West Virginia is mistaken. My bill is before the Senate.

Mr. DAVIS. I desire to enter a protest. I called when the bill was read against any further proceedings on that bill, because the report of the conference committee was laid on the table.

Mr. FERRY, of Michigan. I rose to a point of order.

The PRESIDING OFFICER. The Senator from Michigan will state his point of order.

Mr. FERRY, of Michigan. The point of order is that the point of the Senator from Vermont has been decided by the Chair, and unless there be an appeal from the decision there is no question before the Senate.

Mr. DAVIS. I think there is a question of order. I have stated that I desired to enter a protest against the signing of the bounty bill or any proceedings on it from the fact that the conference committee's report was laid on the table and it now belongs to the Senate. I wish that entered.

THOMAS SPRINKLE, JR.

The PRESIDING OFFICER. The Clerk will proceed with the reading of the bill called for by the Senator from Michigan.

The bill (S. No. 927) for the relief of Thomas Sprinkle, jr., was read the second time and considered as in Committee of the Whole.

The Postmaster-General is directed by the bill to relieve Thomas Sprinkle, jr., from the obligations of his bid made to the Post-Office Department, January 16, 1874, for carrying the mails of the

United States on post-route No. 22165, from Cannelton to Foster's Ridge, in the State of Indiana.

Mr. CONKLING. Is there a report with that bill?

Mr. FERRY, of Michigan. There is.

Mr. CONKLING. I ask that it be read.

The Secretary read the following report, made by Mr. FERRY, of Michigan, on the 12th of June, 1874:

The Committee on Post-Offices and Post-Roads, to whom was referred the petition of Thomas Sprinkle, jr., of Oil Creek, Indiana, report:

That said petitioner is the accepted bidder for carrying the mail on route No. 22165, from Cannelton to Foster's Ridge, in said State, at an annual compensation of $130. He claims that he cannot read or write, and that his bid was filled up by Robert W. Reily, who by mistake made it $130 per annum, instead of $230 as instructed; and in proof thereof has filed affidavits of himself, said Robert W. Reily, and Mary C. Reily, postmaster at Oil Creek, who certified to the sufficiency of the guarantors, all going to show that the bid as filled up and accepted was an error. On account of said mistake, he asks to be released from said bid. The Postmaster-General, in a letter dated May 4, 1874, says that he is well satisfied of the truthfulness of petitioner's statements, but that the Department has no authority to release a bidder under such circumstances, and recommends that petitioner be released by a joint resolution of Congress.

Your committee, therefore, favor the release of said bidder by the accompanying bill, the passage of which they recommend.

Mr. FERRY, of Michigan. The Senator from New York withdraws his objection. I hope the bill will be passed.

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

Mr. FERRY, of Michigan. I thank the Senate for its courtesy. I am through.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 535) for the relief of the owners of the Haytian brig Margaretta or their legal representatives.

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. 4851) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1875, and prior years, and for other purposes;

A bill (S. No. 976) to promote economy and efficiency in the marine hospital service;

A bill (S. No. 757) to devote a certain portion of the military reservation of Fort Brady to school district No. 1, in township of Sault Sainte Marie, and State of Michigan, for school purposes;

A bill (S. No. 831) for the relief of D. R. Haggard, of Kentucky; and

A bill (S. No. 324) for the relief of M. Von EntressFuersteneck, late second lieutenant of the Sixty-eighth New York Volunteers.

ASBURY DICKINS.

Mr. MITCHELL. I desire to dispose of the motion to reconsider the bill (H. R. No. 1580) for the relief of the heirs of Asbury Dickins.

The PRESIDING OFFICER. The bill was passed and a motion was entered to reconsider. The question is on the motion to reconsider.

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

Mr. SCOTT. The Senator from Wisconsin [Mr. HOWE] entered the motion to reconsider, but he is not in his place.

Mr. MITCHELL. He was here a moment ago. I move to lay the motion to reconsider on the table.

The PRESIDING OFFICER. It is moved that the motion to reconsider lie on the table.

Mr. SHERMAN. The Senator from Pennsylvania has been demanding the attention of the Chair.

The PRESIDING OFFICER. The Chair twice asked the Senator from Pennsylvania if he desired the floor.

Mr. SCOTT. I desired to call the attention of the Senate to the fact that the bill which is now called up is one which has heretofore elicited considerable debate. The Senate divided upon it and it was carried by a small majority. A motion to reconsider was made, and it ought not to be called up and passed in these closing moments of the session. Now I desire, however, nothing more than that the yeas and nays shall be called upon the motion in regard to that bill.

The PRESIDING OFFICER. The question is on laying on the table the motion to reconsider.

Mr. HOWE and Mr. SCOTT called for the yeas and nays.

The yeas and nays were ordered.

Mr. HOWE. If we can have a moment's silence in the Chamber——

The PRESIDING OFFICER. The Chair would be glad to have a moment's silence.

Mr. HOWE. I will help the Chair to produce that. If the Senate will understand what the question submitted is, I think they will order the yeas and nays.

The PRESIDING OFFICER. The question is on the motion to lay on the table the motion to reconsider the vote by which the bill for the relief of the heirs of Asbury Dickins was passed. The Chair will put the question on seconding the call for the yeas and nays.

The yeas and nays were ordered; and on being taken, resulted—yeas 33, nays 27, as follows:

YEAS—Messrs. Alcorn, Anthony, Bayard, Bogy, Cooper, Cragin, Dennis, Eaton, Fenton, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Ingalls, Johnston, Kelly, McCreery, Merrimon, Mitchell, Norwood, Patterson, Pease, Pratt, Ramsey, Ransom, Robertson, Saulsbury, Sherman, Spencer, Sprague, Stevenson, and West—33.

NAYS—Messrs. Allison, Boreman, Boutwell, Cameron, Chandler, Clayton, Conover, Davis, Dorsey, Ferry of Connecticut, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Hitchcock, Howe, Logan, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Schurz, Scott, Tipton, Wadleigh, Washburn, and Wright—27.

ABSENT—Messrs. Brownlow, Carpenter, Conkling, Edmunds, Hamlin, Harvey, Jones, Lewis, Sargent, Stewart, Stockton, Thurman, and Windom—13.

So the motion to reconsider was laid on the table.

MESSAGE FROM THE HOUSE.

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

A bill (H. R. No. 815) for the relief of Almont Barnes; and

A bill (H. R. No. 4869) to pay the telegraph operators of the Senate and House of Representatives.

TELEGRAPH OPERATORS.

Mr. FENTON. I hope the bill in regard to telegraph operators will be passed at once.

The bill (H. R. No. 4869) to pay the telegraph operators of the Senate and House of Representatives was read the first time by its title.

Mr. MORRILL, of Vermont. That is already in the deficiency bill, I understand.

Mr. EDMUNDS. I object to the second reading.

The PRESIDING OFFICER. The bill will be laid aside.

Mr. MORRILL, of Vermont. The other bill I think there will be no objection to.

AGRICULTURAL REPORT.

Mr. ANTHONY. I offer the following resolution:

Resolved, That twenty-five thousand copies of the last report of the Commissioner of Agriculture be printed for the use of the Commissioner.

This is for the Commissioner, not for distribution.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

The bill (H. R. No. 4786) granting a pension to Mrs. Sarah B. Howe and Mrs. Mary Cranston;

The bill (H. R. No. 1054) granting a pension to Jefferson W. Davis, first lieutenant of Company F, Sixty-fourth Regiment New York Volunteers;

The bill (H. R. No. 2179) to incorporate the Inland and Sea-board Coasting Company of the District of Columbia;

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

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. 4786) granting a pension to Mrs. Sarah B. Howe and Mrs. Mary Cranston;

A bill (H. R. No. 4675) to relieve Isaac N. Brown of his political disabilities;

A bill (H. R. No. 4753) removing the political disabilities of O. R. Singleton, of Mississippi;

A bill (H. R. No. 4562) removing the political disabilities of Beverly Kennon, of Virginia;

A bill (H. R. No. 4447) to amend the act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869;

A bill (H. R. No. 3170) for the relief of John W. Marsh;

A bill (H. R. No. 4814) to relieve Charles H. Smith, M. D., of Richmond, Virginia, and James M. Hawes, of Covington, Kentucky, of all political disabilities;

A bill (H. R. No. 4757) granting a pension to Freemorton Young;

A bill (H. R. No. 4765) granting a pension to Emillia O. Black;

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

A bill (H. R. No. 4331) granting a pension to Sarah Ann Crosby;

A bill (H. R. No. 2179) to incorporate the Inland and Sea-board Coasting Company of the District of Columbia;

A bill H. R. No. 3918) to relieve P. U. Murphy and John A. Brown, of Alabama, of political disabilities;

A bill (H. R. No. 1054) granting a pension to Jefferson W. Davis, first lieutenant of Company F, Sixty-fourth New York Volunteers;

A bill (H. R. No. 4772) granting a pension to Richard G. Mobley;

A bill (H. R. No. 3705) granting a pension to Arthur M. Lee, first lieutenant Eighteenth Illinois Infantry;

A bill (H. R. No. 3602) to remove the political disabilities of Thomas T. Fountleroy;

A bill (H. R. No. 2419) to provide for the construction of military roads in Arizona;

A bill (H. R. No. 3891) relieving the political disabilities of Edward Booker, of Henry County, Virginia;
A bill (H. R. No. 4685) authorizing the Secretary of the Treasury to use his discretion in the selection of material for the construction of the public building at Atlanta, Georgia;
A bill (H. R. No. 3727) granting a pension to John M. Allen;
A bill (H. R. No. 4466) permitting Lieutenant-Commander Frederick Pearson, of the Navy, to accept a decoration from the Queen of Great Britain;
A bill (H. R. No. 4321) removing the political disabilities of John Withers, Joseph F. Minter, and William Kearney;
A bill (H. R. No. 3712) granting a pension to Stillman C. Spaulding;
A bill (H. R. No. 4793 (granting a pension to Mercy E. Scattergood;
A bill (H. R. No. 2763) granting a pension to Mrs. Sophia Green;
A bill (H. R. No. 3611) for the relief of Nelson Green;
A bill (H. R. No. 4573) to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin; and
A bill (H. R. No. 2502) for the relief of settlers on lands within railroad limits.

ALMONT BARNES.

Mr. MORRILL, of Vermont. I now ask for the consideration of the House bill on the table for the relief of Almont Barnes.
The bill (H. R. No. 815) for the relief of Almont Barnes was read.
Mr. MORRILL, of Vermont. It is a bill to pay a clerk of the House about $500, and they tell me at the House it is all right. That is all I know about it.
Mr. SHERMAN. Very well.
The bill was read three times, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, it Clerk, 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. 692) for the relief of William Chester;
A bill (S. No. 679) to establish the boundary line between the State of Arkansas and the Indian country;
A bill (S. No. 1331) to remove the political disabilities of Robert W. Johnson, formerly of Arkansas;
A bill (S. No. 535) for the relief of the owners of the Haytian brig Margaretta or their legal representatives;
A bill (H. R. No. 4528) amendatory of the act approved March 3, 1873, entitled "An act authorizing the construction of a bridge across the Mississippi River at Saint Louis in the State of Missouri;"
A bill (H. R. No. 3021) granting pensions to the widows, children, dependent mothers and fathers, or orphan brothers and sisters of those soldiers who were murdered by guerrillas at Centralia, Missouri, in 1864;
A bill (H. R. No. 3720) granting a pension to Charles C. Haight;
A bill (H. R. No. 4782) granting a pension to Ansel Thayer, of Braintree, Massachusetts;
A bill (H. R. No. 4449) to amend an act entitled "An act to revive, with amendments, an act to incorporate the Medical Society of the District of Columbia," approved July 7, 1838;
A bill (H. R. No. 3362) for the relief of Mrs. Sarah B. Forest, widow of William Dulany A. Forest, late of the United States Navy;
A bill (H. R. No. 4692) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871;
A bill (H. R. No. 4866) for the relief of Major Nathaniel H. McLean, late of the Adjutant-General's Department of the Army;
A bill (H. R. No. 3641) to amend an act entitled "An act to incorporate the Washington and Georgetown Railroad Company," approved May 17, 1872;
A bill (H. R. No. 746) for the further extension of time to the Saint Paul and Pacific Railroad Company for the completion of its lines;
A bill (H. R. No. 3683) granting a pension to Melissa Rankin;
A bill (H. R. No. 1628) for the relief of Montraville Patton, of Buncombe County, North Carolina;
A bill (H. R. No. 4764) granting a pension to Sarah A. Woodworth;
A bill (H. R. No. 2794) granting a pension to Elizabeth Wolf;
A bill (H. R. No. 4790) granting a pension to David Salsbury;
A bill (H. R. No. 2101) for the relief of the owners of the steamer Clara Dolsen;
A joint resolution (H. R. No. 157) authorizing the acceptance by Captain C. H. Wells, of the United States Navy, of the cross of the Legion of Honor, conferred upon him by the President of the French Republic.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had on this day approved and signed the following acts:
An act (S. No. 28) to set apart a certain portion of the island of Mackinac, in the Straits of Mackinac, within the State of Michigan, as a national park;
An act (S. No. 55) to authorize the purchase of a site for a public building at Topeka, Kansas;
An act (S. No. 378) granting to railroads the right of way through the public lands of the United States;
An act (S. No. 324) for the relief of M. Von Entress Fuersteneck, late second lieutenant of the Sixty-eighth Regiment New York Volunteers;
An act (S. No. 411) for the relief of the Holy Cross Mission in the Territory of Dakota;
An act (S. No. 468) authorizing the coinage of a twenty-cent piece of silver at the mints of the United States;
An act (S. No. 524) to protect ornamental and other trees on Government reservations and on lands purchased by the United States, and for other purposes;
An act (S. No. 535) for the relief of the owners of the Haytian brig Margaretta, or their legal representatives;
An act (S. No. 560) for the relief of William N. Denny, major of the Fifty-first Indiana Volunteer Infantry:
An act (S. No. 608) granting the right of way through the public lands to construct and maintain a railroad;
An act (S. No. 671) for the relief of Alexander Minor, of West Virginia;
An act (S. No. 706) to amend section 1422 of the Revised Statutes of the United States relating to the better government of the Navy;
An act (S. No. 710) for the relief of E. Laws, chief engineer, United States Navy;
An act (S. No. 757) to donate a certain portion of the military reservation of Fort Brady to school district No. 1, in township of Sault Sainte Marie, and State of Michigan, for school purposes;
An act (S. No. 755) to relieve James Jackson, of Georgia, of his political disabilities;
An act (S. No. 786) for the relief of Samuel S. Potter;
An act (S. No. 807) for the relief of Washington Crosland;
An act (S. No. 819) for the relief of George W. Dawson;
An act (S. No. 831) for the relief of D. R. Haggard, of Kentucky;
An act (S. No. 843) for the relief of the survivors of the Polaris;
An act (S. No. 867) to correct a clerical error in the acts granting the right of way through the public lands to the Denver and Rio Grande Railway Company, approved June 8, 1872;
An act (S. No. 898) to authorize the settlement of the accounts of Passed Assistant Paymaster E. Mellach, United States Navy;
An act (S. No. 912) to annex certain land to reservation No. 2, occupied by the Department of Agriculture;
An act (S. No. 996) for the relief of the Allegheny Valley Railroad Company;
An act (S. No. 976) to promote economy and efficiency in the marine-hospital service;
An act (S. No. 1019) to make an appropriation for public buildings at Covington, Kentucky;
An act (S. No. 1097) to donate to the State of Oregon a public building lot and material situated at The Dalles, Oregon;
An act (S. No. 1125) for the relief of the Terre Haute and Indianapolis Railroad Company, successor of the Terre Haute and Richmond Railroad Company, in the State of Indiana;
An act (S. No. 1147) for the relief of Courtland Parker, as administrator of George W. Anderson, deceased;
An act (S. No. 1156) for the relief of Joseph H. Colton;
An act (S. No. 1185) for the relief of F. V. Hayden;
An act (S. No. 1222) to authorize the trustees of the Young Men's Benevolent Association to sell and convey square No. 272, in the city of Washington;
An act (S. No. 1230) to authorize the construction of a ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa;
An act (S. No. 1237) to amend section 3342 of the Revised Statutes of the United States in relation to affixing stamps on brewers' casks;
An act (S. No. 1240) to extend the time within which the board of audit for the District of Columbia may receive, audit, and allow certain claims that have never been presented to said board;
An act (S. No. 1270) to authorize the purchase of a site for public buildings at Harrisburgh, Pennsylvania;
An act (S. No. 1296) to authorize the acceptance, in behalf of the United States of America, of certain real property occupied by the United States consul at Tunis;
An act (S. No. 1297) to provide for the republication of the first volume of the Patent-Office Gazette;
An act (S. No. 1328) to amend sections 1675, 1676, 1681, and 1682 of the Revised Statutes of the United States;
An act (S. No. 1331) to remove the political disabilities of Robert W. Johnson, formerly of Arkansas; and
An act (S. No. 1339) to abolish the consulate at Amoor River and establish a consulate a Vladivostock, Russia, and for other purposes.

FINAL ADJOURNMENT.

Mr. CONKLING. Mr. President, the committee appointed to wait upon the President of the United States and apprise him of the readiness of the two Houses to adjourn has discharged its duty, and have been informed by the President that he has no further communication to make.
The VICE-PRESIDENT. The hour of twelve o'clock having arrived, the second session of the Forty-third Congress is terminated, and the Chair declares the Senate adjourned without day.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 3, 1875.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D., as follows:

Great God, our Father and the sovereign of all worlds, we draw nigh to Thee in these closing hours, and ask Thee to control these Thy servants in judgment, that they may be preserved from that which is wrong; to inspire them with courage of heart to meet all their responsibilities; that Thy spirit may so govern that all that shall be done to-day may be in accordance with Thy will.

We draw nigh asking a Father's blessing. We thank Thee for life preserved during these months and years. O Lord, we pray Thee blot out all our transgressions, and fill us with charity toward each other. Wherein we have sinned against Thee, do Thou forgive; wherein we have sinned against each other, O that Thy Spirit may animate us!

We ask Thy blessing, O Lord, upon us as in Thy providence we shall be separated. Make each life a center of hallowed influences; make us true and faithful in every position that God may call us to fill, that we may have peace now and peace at the last. We commit and commend to Thee, O God, the interests of this great Government. Thou hast ever raised up true and faithful men. We know that to Thy hand we may trustingly commit all in the future as in the past. Be Thou our King, our Shepherd, our Saviour, and our Friend. Blot out everything offensive in Thy sight, and grant us a Father's blessing.

Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done on earth, as it is in heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation; but deliver us from evil: For Thine is the kingdom, and the power, and the glory, forever. Amen.

M'CRARY'S LAW OF ELECTIONS.

Mr. HAZELTON, of Wisconsin, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Clerk of this House be, and he is hereby, authorized and instructed to procure from the publisher thereof four hundred copies of The American Law of Elections, by Hon. GEORGE W. MCCRARY, for the use of the House, to be kept for that purpose, at a cost not to exceed five dollars per volume, to be paid out of the contingent fund of the House.

E. MILLER, UNITED STATES NAVY.

Mr. PLATT, of Virginia. I ask unanimous consent to take from the Speaker's table Senate bill No. 878 authorizing the settlement of the accounts of Passed Assistant Paymaster E. Miller, United States Navy.

The SPEAKER. The bill will be read.

Mr. RANDALL. I demand the regular order.

The SPEAKER. Does the gentleman object to this bill?

Mr. RANDALL. I object to everything but the regular order, and I will state my reason for it. I wish to get the deficiency appropriation bill through, so it may be sent to the Senate at once. All these matters can come in afterward. It is of the utmost importance that the deficiency bill should be sent to the Senate at the earliest possible moment.

REPORT ON FISHERIES.

Mr. DONNAN. I am directed by the Committee on Printing to submit the following report:

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring.) There be printed four thousand additional copies of the third report of Professor Spencer F. Baird, Commissioner of Fish and Fisheries, with the accompanying documents; of which one thousand copies shall be for the use of the Senate, twenty-five hundred for the use of the House of Representatives, and five hundred for the use of the Commissioner.

Mr. DONNAN. This changes the original resolution referred to the Committee on Printing only in reducing the number of copies ordered.

The resolution was adopted.

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

The latter motion was agreed to.

SEAL ISLANDS OF ALASKA.

Mr. DONNAN. I am also directed by the Committee on Printing to report the following resolution.

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring,) There be printed of Henry W. Elliott's report on the seal islands of Alaska, with illustrations, twenty-five hundred extra copies; of which five hundred shall be for the use of the Senate, fifteen hundred for the use of the House of Representatives, and five hundred for distribution by the Smithsonian Institution.

Mr. DONNAN. This also changes the resolution referred to the Committee on Printing only in reducing the number of copies ordered.

The resolution was adopted.

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

The latter motion was agreed to.

LEGISLATIVE APPROPRIATION BILL.

Mr. GARFIELD. I now take the floor for the purpose of moving the House resolve itself into Committee of the Whole on the state of the Union, and continue the consideration of the deficiency appropriation bill.

Mr. MAYNARD. I would say to the House that while I am not prepared at this moment to submit a report from the committee of conference on the legislative bill, yet it is important that report should be made at the earliest practicable moment, and I therefore suggest before we go into the Committee of the Whole on the state of the Union that when the action of the Senate on that conference report is made the committee shall immediately rise to consider and act on it.

Mr. GARFIELD. I will help the gentleman in that. I believe with him it is important that report should be acted on at the earliest moment. I now insist on my motion to go into Committee of the Whole on the state of the Union on the deficiency bill.

Mr. MYERS. There are some small matters upon the table which ought first to be attended to. It will not take long, and we then can go into committee on the deficiency bill.

Mr. RANDALL. That can be attended to afterward as well as now. If the House should neglect to send the deficiency appropriation bill over to the Senate it will be a source of the greatest embarrassment, and this House will be responsible for the failure to pass necessary legislation.

Mr. ELDREDGE. There are some small bills which it is necessary to pass, and they ought to be passed at this time, in order they may be sent to the proper officers for engrossment. They will not delay the passage of the appropriation bill at all. On the contrary if we pass these bills now we will save a great deal of time.

ENROLLED BILLS.

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

A bill (H. R. No. 4829) for the relief of the Willow Springs Distillery Company of Omaha, Nebraska; and

A bill (H. R. No. 3912) to reduce and fix the Adjutant-General's Department of the Army.

THOMAS M. JONES.

Mr. HUNTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table a bill (S. No. 523) to remove the political disabilities of Thomas M. Jones, of Virginia, and put it upon its passage at this time.

The SPEAKER. Is it accompanied with a petition?

Mr. HUNTON. It is.

There was no objection; and the bill was taken from the Speaker's table, read a first and second time, ordered to a third reading, and accordingly read the third time, and passed, two-thirds agreeing thereto.

DEFICIENCY APPROPRIATION BILL.

Mr. GARFIELD. I ask for a vote on my motion to go into Committee of the Whole on the deficiency appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole, (Mr. HAZELTON, of Wisconsin, in the chair.)

The CHAIRMAN. The House resumes the consideration of the bill (H. R. No. 4851) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1875, and prior years, and for other purposes, and the Clerk will read the pending paragraph.

The Clerk read as follows:

To pay the portion of the general expenses of the District of Columbia due from the United States, to be expended by the commissioners of said District, $77,765.86.

Mr. LOUGHRIDGE. I raised the point of order on the preceding paragraph in the bill last evening, and I do not think the Chair has fully understood my point. The chairman of the Committee on Appropriations has stated what these items were.

I then read from the statutes showing that each one of the items in this clause, as stated by the chairman, was by the positive law of last winter to be paid by the District of Columbia; that therefore it was out of order in this bill to insert an appropriation to pay them out of the Treasury. It is true that the clause as printed in the bill does not show the items; but the chairman of the committee stated the items, each one of which is payable by law specifically out of the funds of the District.

The CHAIRMAN. The Chair thinks that this action of the commissioners was under the authority conferred upon them as agents of the Government, they acting in an official capacity, and having authority by the law under which they were appointed to make these expenditures. The Chair therefore does not think the point well taken.

Mr. LOUGHRIDGE. The statute expressly says that these expenses shall be paid from the funds of the District.

The CHAIRMAN. The Chair must overrule the point.

Mr. LOUGHRIDGE. I move then to amend by striking out the paragraph, and inserting the following:

On account of salaries of the commissioners of the District of Columbia to January 1, 1875	$7,528 66
On account of salaries of assistant engineers to January 1, 1875	1,736 16
On account of expenses of the board of audit, including salaries of the clerks, &c., to January 1, 1875	25,486 63
On account of printing and trimming 3.65 bonds, act June 20	11,451 25
Total amount	46,202 70

Here in these two paragraphs are items amounting to over $100,000 which I say should not be paid by the Government of the United States, if the items intended to be covered are those embraced in the statement I have sent up.

Mr. GARFIELD. If the gentleman has sent up the items on page 32 of our printed report, they are.

Mr. LOUGHRIDGE. The gentleman then admits that I have sent up the items embraced in this paragraph; and every one of those items the District of Columbia is bound by law to pay. We have already appropriated $1,700,000 for the expenses of this District for the present year; and here is another appropriation of $100,000 for payments which this Government is not bound in reason or justice to meet. The appropriation is contrary to existing law, and I protest against it. Of course, if the House sees fit to put it through and give the District of Columbia all that is asked here, I can do no more than object. But in the name of the tax-payers of this country I do protest against throwing money away in this manner.

Mr. MERRIAM. To assuage the grief of my patriotic friend from Iowa, [Mr. LOUGHRIDGE,] permit me to say that after years of earnest warfare against the unlimited appropriations from the Treasury for this District, I have given up in despair and made up my mind that a frog might as well attempt to buffet the Falls of Niagara as a few of us to buffet the current flowing out from the Treasury to make glad the District of Columbia; for so long as a majority of our public men own property in the District our efforts against the outflow are powerless. If we succeed in striking out an item here and there of a hundred thousand dollars, they are sure to travel to the statute books under the manipulations of the "necessity of *compromises*" in conference committees. Besides all direct appropriations, the District debt is equivalent to a $90,000 mortgage upon each congressional district in the United States; for who doubts but that the people of the whole country must eventually pay this debt, provided the people do not insist upon a change of the present policy.

Mr. GARFIELD. I desire merely to say that the President, in pursuance of the law of Congress, has appointed a board of commissioners for the District—men whom I believe Congress and the country trust. Those commissioners have reported in detail a class of items belonging to the year now passing, which they claim are properly payable by the United States. I confess that I have not gone down into these details myself so as to say that I know from the bottom that all the specific expenditures are proper charges against the United States. But we must trust somebody; and when Governor Dennison and the other two commissioners put themselves on record officially, declaring that these charges have been paid on behalf of the United States; that there was no appropriation to pay them; that they diverted enough District funds in their hands to pay them, and now ask the Government to reimburse them, there is propriety in appropriating this money. It seems to me we ought to trust somebody. And the general cry that we are paying too much for this District, while it may be true as a general proposition, does not answer the request of these gentlemen. I will have printed as a part of my remarks a letter of the commissioners, and ask the committee to come to a vote.

Mr. RANDALL. I would like to know why we have to pay this.

Mr. GARFIELD. The only reason I know is the reason stated in the letter of the commissioners, and the communication inclosed therein from the board of audit.

Mr. RANDALL. Let us have the letter read.

Mr. GARFIELD. I ask the Clerk to read the letter. Let me first state that the board of audit, as gentlemen are aware, consists of the First Comptroller of the Treasury, the Second Comptroller, and one other officer of the Treasury. They were appointed to this very business by the Government of the United States. We have wiped out the government of the District of Columbia. Up to last June the District had a government with a Legislature of its own, that taxed its own people, that appropriated money out of its own treasury, that conducted its own business. Congress, in its supreme and paramount right to do so, abolished that government, and the District has now no government except such as Congress itself creates by its own law. Congress has created a government consisting of three officers appointed by the President, salaried by Congress, and acting under the laws of Congress, and those officers report a deficiency, and there is their report.

Mr. LOUGHRIDGE. I desire to ask the gentleman from Ohio a question.

Mr. GARFIELD. Let the letter first be read.

The Clerk read as follows:

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, D. C., January 19, 1875.

DEAR SIR: The commissioners of the District hand you herewith a communication addressed to them by the auditor of the District, showing the amount of $46,202.70 paid by them from the treasury of the District, which we respectfully ask Congress to refund to the District.

Very respectfully,

W. DENNISON,
J. H. KETCHAM,
S. L. PHELPS,
Commissioners District of Columbia.

Hon. J. A. GARFIELD,
Chairman Committee on Appropriations,
House of Representatives United States.

AUDITOR'S OFFICE, DISTRICT OF COLUMBIA,
Washington, January 19, 1875.

GENTLEMEN: In reply to your inquiry I have the honor to inform you that the records of this office show that there has been audited and paid—

On account of salaries of the commissioners of the District of Columbia to January 1, 1875	$7,258 66
On account of salaries of assistant engineers to January 1, 1875	1,736 16
On account of expenses of the board of audit, including salaries of the clerks, &c., to January 1, 1875	25,486 63
On account of printing and trimming 3.65 bonds, act June 20	11,451 25
Total amount audited and paid as above	46,202 70

The salaries of the members of the board of audit are not included in the above sum.

Very respectfully,

JOHN T. VINSON,
Auditor District of Columbia.

Mr. RANDALL. Twenty-five thousand dollars of this amount has been paid to the board of audit?

Mr. GARFIELD. Yes; that has been paid on account of expenses of the board of audit, including salaries of clerks, &c.

Mr. RANDALL. Has there ever been anything else appropriated for the board of audit?

Mr. GARFIELD. Nothing at all?

Mr. LOUGHRIDGE. I desire to ask the gentleman from Ohio a question, whether by a law of last winter the expenses of the board of audit were not to be paid by the District of Columbia?

Mr. GARFIELD. I have no recollection of that law at all.

Mr. LOUGHRIDGE. I desire to say that so far as I am concerned I shall make no further attempt to prevent anything going through that is proposed. I shall only make this single remark, that, in my opinion there are too many upon this floor and upon committees who have an interest in real property in this District.

Mr. ELDREDGE. I rise to a question of order, and insist that order shall be maintained in the committee. I see only the swinging of the gentlemen's hands.

Mr. LOUGHRIDGE. If the gentleman will take his seat I will make my remarks.

Mr. ELDREDGE. We can hear none of the gentleman's remarks.

Mr. LOUGHRIDGE. I was saying that, in my opinion, there are too many men on this floor who have an interest in real property in this District.

Mr. MAYNARD. I call the gentleman to order. That is a reflection which should not be made here.

Mr. COTTON. I rise to oppose the amendment. I do not see any occasion for questioning the necessary appropriations for this District. We have decided to levy upon the people of this District a certain rate of taxation at 1½ per cent.

Mr. THOMPSON. I ask that order be preserved in the committee.

Mr. STARKWEATHER. I think it is the duty of the officers of this House to see that there is less noise and disturbance in the Hall.

The CHAIRMAN. The Chair directs the officers of the House to aid in preserving order. It is impossible for business to proceed while gentlemen persist in carrying on conversation in the rear of the seats.

Mr. COTTON. I was saying that we had passed a tax bill fixing the rate of taxation at 1½ per cent. on the property of the District. Now Congress understands that beyond what is raised by that tax the remainder of the money necessary to pay the interest on the bonds of this District, and to pay its current expenses, must be made up by appropriations. Whether the appropriation is made for this or for another purpose is wholly immaterial, because Congress in the end must make up and must pay all the expenses over and above the proceeds of the tax we have decided to levy.

The question was on agreeing to Mr. LOUGHRIDGE'S amendment; which was again read.

Mr. GARFIELD. I have no objection to that. It is merely itemizing the amount. Let it be adopted.

Mr. ELDREDGE. I desire to ask the chairman of the committee if the amount is the same as in the bill?

Mr. GARFIELD. It is. It only itemizes the account.

Mr. ELDREDGE. Is this clause intended to cover those items, no more and no less?

Mr. GARFIELD. Yes; no more and no less.

Mr. HOLMAN. In the prevailing confusion it has been impossible to hear the amendment, and I ask that it be again reported.

The Clerk again read the amendment.

Mr. HOLMAN. These items ought to be chargeable to the people of the District of Columbia, and ought not to be appropriated for out of the Treasury. I shall have to ask a division on the adoption of a proposition of that character. It inaugurates the policy of charging all these items to the national Treasury.

The CHAIRMAN. Debate is exhausted on the amendment.

Mr. GARFIELD. I would ask the gentleman from Iowa not to move to strike out all the words of the paragraph. Strike out all after the word "them" in line 73 and insert "that," and then it will be all right.

Mr. HOLMAN. I object.

Mr. SAYLER, of Indiana. I suggest that the gentleman insert it after the word "them" in line 71 so as to strike out the words "on behalf of the United States from the treasury of the District to be expended by them."

Mr. GARFIELD. I have no objection to that; and then the rest of the paragraph must be stricken out. I will state that it only itemizes this amount and does not change it; that is all.

Mr. HOLMAN. I understood that the amendment of the gentleman from Iowa containing the items was rejected by the committee.

Mr. GARFIELD. No, it was not.

Mr. HOLMAN. Then I move to strike out the paragraph.

Mr. SAYLER, of Indiana. I raise the question of order that two amendments are now pending.

The CHAIRMAN. The question is upon the adoption of the amendment of the gentleman from Iowa, as modified at the suggestion of the chairman of the Committee on Appropriations.

The question was put, and the amendment was agreed to.

Mr. HOLMAN. I now move to strike out the paragraph as it stands amended.

The question was taken; and on a division there were ayes 21, noes not counted.

So the motion was not agreed to.

The Clerk read as follows:

To pay the portion of the general expenses of the District of Columbia due from the United States, to be expended by the commissioners of said District, $77,765.86.

Mr. STORM. I offer the following amendment to come in at the end of that paragraph:

The sum of $13,312.71, to pay for the property destroyed by the board of health of the District of Columbia to prevent the spread of contagious diseases.

Mr. HOLMAN. I must make the point of order on that amendment.

The CHAIRMAN. What is the point of order?

Mr. HOLMAN. That there is no law authorizing any such appropriation.

Mr. CHIPMAN. I would ask the chairman of the Committee on Appropriations if that item is not included in the sum already appropriated?

Mr. STORM. I wish to say that during the prevalence of the small-pox in 1872 and 1873 the board of health of this District destroyed a large amount of property and gave receipts to the owners of the property, promising to pay for it. They made the excuse for a year or two that the District Legislature had made no appropriation to pay for it.

The CHAIRMAN. The point of order is sustained.

Mr. STORM. I want to ask the chairman of the Committee on Appropriations a question; and that is, whether any portion of this item is intended to pay for the property destroyed by the board of health?

Mr. GARFIELD. A part of it is for that very purpose.

Mr. HOLMAN. I desire to make the point of order on the pending paragraph.

The CHAIRMAN. It is too late to make the point of order now.

Mr. HOLMAN. It is in violation of law.

Mr. THOMPSON. I desire to offer an amendment to this paragraph, and it is to strike out the words "the portion of" and also the words "due from the United States."

Mr. LOUGHRIDGE. That is right.

Mr. THOMPSON. The paragraph will then read, "to pay the general expenses of the District of Columbia, to be expended by the commissioners of said District, $77,765.86."

Mr. SAYLER, of Indiana. I suggest to the gentleman to leave in the words "portion of the general expenses" and to change "the" to "a;" so that it will read, "to pay a portion of the general expenses," &c.

Mr. THOMPSON. I will modify my amendment to that extent.

Mr. HOLMAN. My motion to strike out the paragraph I suppose is to be decided last. If it is not desirable to further amend it——

Mr. CHIPMAN. I understand the gentleman from Iowa [Mr. LOUGHRIDGE] proposes to make the same amendment to this as to the last paragraph, to itemize it.

Mr. HOLMAN. It cannot possibly be itemized so as to change its objectionable character. The attempt, by any form of expression or by the use of any words, to pass an appropriation from the Treasury of the United States to pay the indebtedness of this District, seems to me to be a thing which even in the last moments of this session might attract the attention of the members of this House. I regret very much that my colleague [Mr. SAYLER, of Indiana] should move to strike out the words "due from the United States," for that presents this matter in all its objectionable aspects. He knows very well that it is the purpose of those who are in charge of this bill to establish a precedent for charging against the National Treasury a debt of a purely local character, which should be borne by the citizens and the property of this District. I for one protest against it.

I cannot understand the motive of the chairman of the Committee on Appropriations [Mr. GARFIELD] in bringing in such a provision in this bill. You are swelling the charges against the people of this country to the extent of $2,000,000 for the purely local expenditures of this District, on indebtedness with which the people of the United States have nothing to do. The people of my district and of my colleague's district have no more responsibility in equity, law, or justice for the payment of these debts than for the debts of any other citizens in this country. For one I protest against the inauguration of this policy during the closing hours of this Congress, and the establishment of a precedent by which it will be claimed in future that Congress has committed itself to the policy of paying the local indebtedness and expenditures of this District.

[Here the hammer fell.]

Mr. GARFIELD. I hope that all good angels will give grace enough to any man who may hereafter have charge of the appropriation bills to enable him to endure the aspersion of his motives, constantly made by gentlemen who make such speeches as have been made by the gentleman who has just taken his seat, [Mr. HOLMAN,] and others who have spoken this morning. They desire to know "what motive the chairman of the Committee on Appropriations can have in reporting an appropriation bill like this." And another gentleman suggested that there were too many men on this floor who own real estate in this District, and who are in favor of legislation that would aid themselves so far as the payment of taxes is concerned.

Now, to all this small, miserable, unmanly talk I make this reply: that we have swept away the government of this District, by which the people here were enabled to govern themselves. We have, by the supreme power of Congress, put in the place of their own officers our own commissioners, honest and trusted men, and those commissioners have sent to this Congress a communication asking Congress for $77,000, and they give the items of the account. One of those items is for $13,000, which our own officers, our board of health, expended while the small-pox was raging here, at a time when a member of the family of one of our own number died of small-pox. They spent this sum to protect us and all in the city from the ravages of the small-pox. That board of health destroyed private property and infected clothing to the extent of $13,000 to stay the further progress of the plague. That is one item which these honored commissioners very properly ask us to enable them to pay.

And yet when this is done gentlemen arise and ask to know "What motive the chairman of the Committee on Appropriations can have in reporting such a proposition?" And another argument is made here that somebody owns a little house and lot where his family resides, and therefore he has a mercenary motive to seek to protect himself against tax by this bill of ours. I hope I may never get down so low, that I may never fling vitriol and poison around me on my fellow-members in that way, and talk about motives in the discharge of a public and honorable duty. I call attention to the letter of the commissioners of the District on this subject:

The communication was as follows:

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, D. C., January 19, 1875.

GENTLEMEN: I have the honor to transmit herewith a list of claims for services rendered to the late District government and board of public works, amounting to $28,619.68, for the payment of which I think some provision ought to be made. The appointments in the majority of the cases under which these services were rendered were in my opinion irregular, and in others, although the appointments were regular, the services were extended beyond the time limited by law, and for these reasons I did not consider I was authorized to audit the claims. In all of these cases, however, it appears the services were actually rendered in good faith; that the rate of compensation charged for the services is reasonable and just, and believing that the proper conduct of the public business required their services, I make the present recommendation.

In addition to these claims, there have been filed in this office other claims, principally for extra services rendered, amounting to $14,406.76, which I submit, with the several vouchers therefor, without recommendation, for such action as you may think proper.

The records of this office show there are audited bills of the fire department for the years 1871 and 1872 on which 50 per cent. has been paid, leaving a balance unpaid of	$5,913 16
Also unaudited bills of the fire department for 1872, 1873, and 1874, prior to June 30, 1874, on which nothing has been paid	3,120 01
Total deficiency in fire department for the payment of which provision should be made	9,033 17
The Legislative Assembly of the District of Columbia appropriated by act approved June 26, 1873, for the board of health, the sum of	25,000 00
Of this sum there has been audited and paid	11,687 29
Leaving balance unpaid	13,312 71

The board of health are asking for the payment of this balance to enable them to discharge liabilities incurred by them during the prevalence of the small-pox on the faith of this appropriation. Some provision ought, in my judgment, to be made for its payment.

The estimated expenditures for the board of audit from January 1, 1875, to June 30, 1875, including salaries of the members, clerks, &c., are $25,000, which sum was not included in the commissioners' estimate of expenses for the fiscal year ending June 30, 1875. This amount will also have to be provided for.

The salaries of the assistant engineers from January 1, 1875, to June 30, 1875, will amount to $1,800.

The total amount for which it is recommended that congressional appropriation be asked (as above) is $77,765.56.

Very respectfully,

JOHN T. VINSON,
Auditor District of Columbia.

Hon. COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

Copy.

WM. TINDALL,
Secretary to the Commissioners District of Columbia.

FEBRUARY 4, 1875.

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, D. C., January 19, 1875.

DEAR SIR: The commissioners of the District hand you herewith a communication addressed to them by the auditor of the District, to which they respectfully invite your attention, in the hope that your committee will recommend to Congress

the making the appropriation of $77,765.86 for the purposes set forth in said communication.

Very respectfully,

W. DENNISON,
J. H. KETCHAM,
S. L. PHELPS,
Commissioners District of Columbia.

HON. J. A. GARFIELD,
Chairman Committee on Appropriations,
House of Representatives United States.

Official copy.

WM. TINDALL,
Secretary.

Mr. SAYLER, of Indiana. My colleague [Mr. HOLMAN] states that his constituents have no interest in this city, and that mine have none. I do not so conceive the interests of the people of this country. I believe that the people in my district and the people in my colleague's district are interested in the capital of this nation.

We have levied a tax of 1½ per cent. upon the property, real and personal, in this District. We have tried to go upon the theory that the people of this District shall be taxed substantially as are the people of other districts and cities of like size throughout the country. So far there is justice; beyond that is oppression.

This city is laid out on a scale and plan upon which no other city in this country is laid out. A vast amount of expense is created here by the United States. It is the seat of Government, and I ask whether it is a vicious proposition, as it is characterized here, that the Government shall pay some proportion of the additional expense that falls upon the municipal government here because of the seat of the National Government being located here? These expenses are necessary to be incurred and paid; they are necessary for the well-being of this city; and whatever is necessary for the well-being of this city is necessary for the well-being of my colleague's constituents and of mine.

Mr. HOLMAN. Will my colleague mention any city in Indiana where the whole tax—State, corporation, &c.—does not exceed 1½ per cent.?

Mr. SAYLER, of Indiana. I cannot name any such city in the State of Indiana.

Mr. HOLMAN. Can my colleague name any city in that State where the tax is less than 2½ per cent.?

Mr. SAYLER, of Indiana. I will say this: that while I know of no city in Indiana where the tax is less than 2½ per cent. altogether, yet it must be borne in mind that our cities are taxed for the purpose of carrying on the State government with its State machinery, while here there is no State machinery. I simply ask that these people within the scope of their governing power, within the limits of their privileges, shall be put upon an equality with the people of my own town; that they shall not be any further exempted, and shall not bear any greater burden.

Mr. HOLMAN. Is my friend willing to concede that while the people of Indiana pay 1 per cent. more of taxation than is paid in this District, yet the Federal Government must constantly come forward to assume expenses which should properly fall upon the District itself?

Mr. SAYLER, of Indiana. I decline to yield further. I will say that I do not understand this 1½ per cent. to be an exact measurement; I suppose that it is merely a step in the line of fixing a policy between this District and the General Government.

Mr. RANDALL. The tax of 1½ per cent. was fixed here yesterday in view of the fact that last year property in this District paid 5 per cent. taxation; that within the past two years the average tax has been 3¾ per cent.

Mr. SAYLER, of Indiana. That is a mitigating circumstance.

Mr. RANDALL. Certainly; it was for that reason that we made the rate of taxation 1½ per cent. Many gentlemen of this House stated that they were governed by that consideration, and that if this rate was not found equitable as between the General Government and the property holders here, we would next year raise the rate to 2½ per cent.

Mr. MERRIAM. I hope the gentleman will see that it is done.

The pending *pro forma* amendment was withdrawn.

Mr. WILSON, of Indiana. I renew the amendment. I ask the House to pass over this paragraph informally so that we may hereafter return to it and that I may offer an amendment reaching a purpose that I will explain to the committee.

Yesterday we passed a bill levying the tax which has just been alluded to. That bill contained a provision that as to the payment of the 3 per cent. tax the time should be extended from March until June; but there was no provision with reference to delinquent taxes anterior to that tax. When that bill was draughted the commissioners supposed that they would be ready to make the necessary advertisements for the sale of property for these anterior delinquent taxes within the time required by law. But this morning one of the commissioners has called upon me and stated that they have ascertained that, with all the force they can possibly work, it will be impossible for them to make within the time required by law the necessary advertisements for the sale of property for these anterior delinquent taxes; that it is therefore necessary for Congress to take some action on that subject; otherwise those taxes may be lost.

Mr. ELDREDGE. Let me suggest that if any delay is made with reference to delinquent taxes prior to the 3 per cent. levy, the sales of all ought to be made at the same time. We have already extended the time with reference to the 3 per cent. tax, and it would be desirable that the sale for that tax and the other delinquent taxes should take place at the same time.

Mr. WILSON, of Indiana. If the House will pass over this paragraph informally, my purpose is to draught as soon as I can an amendment making a provision of that character. The purpose is to enable the District authorities to collect these taxes that the people ought to pay, and not allow them to lapse for want of time.

Mr. GARFIELD. The gentleman can offer such a provision as an additional section at the end of the bill; and if it should then be thought proper to have it inserted here, consent will no doubt be given.

Mr. WILSON, of Indiana. Very well.

Mr. LOUGHRIDGE. I desire to offer an amendment to come in at the end of the paragraph.

Mr. ELDREDGE. Who has the floor?

The CHAIRMAN. The Chair has recognized the gentleman from Indiana, [Mr. NIBLACK.]

Mr. NIBLACK. I move to reduce the amount $1,000.

I do this, Mr. Chairman, for the purpose of submitting a few remarks on this subject generally. One of the first things which impressed me when I came to Congress some years ago was the utter neglect on the part of Congress to take that care of the District of Columbia which the Constitution, as I thought and still believe, required us to do. We govern this District just as a Legislature of a State governs a State. There is no other legislative power here but that imposed by the Constitution of the United States upon Congress.

I found, on inquiry into the condition of the laws of the District, that many of the old Maryland statutes which are out of date and absurd as applicable to the present condition of things, were still in force under a general law of Congress adopting and extending them over this District. I commenced calling attention to this subject by offering a resolution instructing the Committee on the District of Columbia to report a bill for the election of a Delegate to represent this District in the House of Representatives. I think I had the honor of first proposing that measure in this way many years ago. I followed it consistently until a Delegate was ultimately provided for; but there was coupled with it a provision for such universal and indiscriminate suffrage as seems to have brought the whole subject of District matters, including the provision for Delegate, into disrepute, and finally resulted in abolishing the office of Delegate.

I wish to say this much; that, in my judgment, we have been derelict in our duty toward this District in very many respects, and especially in one particular, and that is in not providing years ago some arrangement by which it shall be understood exactly how much the General Government ought to pay out of the general Treasury, and how much the property here ought to pay in local taxes for the support of the government of the District of Columbia.

The CHAIRMAN. The gentleman's time has expired.

Mr. NIBLACK. I wish to say in addition that one of the very few regrets I have in quitting Congress, as I shall do in a few hours, is that I have to leave this whole question of the relations of the Government to the District of Columbia in an unsettled and very unsatisfactory condition.

Mr. HOLMAN. I rise to oppose the proposition.

Now the gentleman from Ohio [Mr. GARFIELD] grows sensitive over the inquiry, what motive could induce him to bring forward as chairman of the Committee on Appropriations measure after measure seeking to charge against the whole people of this country debts properly and legitimately belonging to the citizens of this District? He becomes quite indignant, and seems to repel the idea that any other than the highest sense of duty impels him in his course of policy. Now the gentleman must remember that this is only the outcropping of a policy which he has supported from the very beginning. He must remember that the passage of the act of 1871, by which the plain, simple corporation of Washington was abolished and a District government established, extravagant, profligate in its conception, was the source of all these troubles. He must remember that during the last hours of the last session he brought forward charges upon the national Treasury to the extent of three and one-quarter millions of dollars for the benefit of gentlemen who are concerned in adding value, specious value, to the real estate of the city of Washington. He will remember that when I sought to impose some limitation on the power of the board of public works, that they should not have unlimited power to impose charges against the Government, he resisted it to the bitter end. Therefore it is not simply now the gentleman brings forward a proposition of this kind, but this is, as I have said, only an outcropping of the policy he has always enforced.

The CHAIRMAN. The gentleman's time has expired.

Mr. GARFIELD. I wish to say, in reply to the gentleman from Indiana, that I have never at any time resisted any proper limitation of the powers granted to the Government in this District, but, on the contrary, have always urged, for myself and in behalf of the Committee on Appropriations, that expenditures should be confined within the limit of appropriations. But let us have a vote.

Mr. NIBLACK. I withdraw the amendment.

Mr. ELDREDGE. I renew it.

Now, Mr. Chairman, I suppose that every member of the House has

at some time or other in his service here been struck with the persistent and unaccountable hostility manifested toward this District of Columbia. I have been utterly unable to divine the motive for this feeling. The motive of the gentleman from Indiana [Mr. HOLMAN] I cannot comprehend. The spirit that controls him I never understood. I have indeed given up trying to divine it. We have taken the District of Columbia and everything that pertains to it absolutely into our hands, as the Constitution probably authorizes us to do. We now determine the rate and mode of its taxation and prescribe the machinery of collecting the taxes. We do this without any representation hereafter of the people and without any voice of theirs in determining any of the questions with relation thereto. The money we compel them to pay goes into the Treasury of the United States and can only be drawn therefrom by our authority and by our agents. Gentlemen complain because we make appropriations for the District, to aid Congress and the Federal Government in conducting and for carrying on its local affairs. If we deprive them of it and insist upon doing it ourselves we ought to pay at least a part of the expenses of the luxury. My friend from Indiana [Mr. NIBLACK] says he was the first to propose a delegate representation for the District of Columbia. I do not know but he was, so far as the members of the House are concerned. He appreciated and still appreciates the importance and propriety of representation and taxation going together. It is much easier for any people to pay taxes imposed by themselves than those imposed upon them by others. Any obligation we take upon ourselves we can bear, when, if the same was imposed by others or without our consent, it would be felt an intolerable burden, an act of tyranny and oppression.

Before my friend from Indiana [Mr. NIBLACK] was in Congress the District of Columbia and its peculiar relation to the Government became and was the subject of anxious concern to the distinguished statesmen of the country. I have in my hand the message of General Jackson, of December 6, 1830, in which he calls attention to the subject in the true spirit in which I think we should all consider it. I agree with the views he expresses; they have the true ring of democracy and fully accord with the principles of our representative system. I commend them to my democratic friends especially, and to all who desire to do justice to this people:

> Your attention is respectfully invited to the situation of the District of Columbia. Placed by the Constitution under the exclusive jurisdiction and control of Congress, this District is certainly entitled to a much greater share of its consideration than it has yet received. There is a want of uniformity in its laws, and particularly in those of a penal character, which increases the expense of their administration and subjects the people to all the inconveniences which result from the operation of different codes in so small a territory. On the different sides of the Potomac the same offense is punishable in unequal degrees; and the peculiarities of many of the early laws of Maryland and Virginia remain in force, notwithstanding their repugnance in some cases to the improvements which have superseded them in those States.
>
> Besides a remedy for these evils which is loudly called for, it is respectfully submitted whether a provision authorizing the election of a Delegate to represent the wants of the citizens of this District on the floor of Congress is not due to them and to the character of our Government. No portion of our citizens should be without a practical enjoyment of the principles of freedom; and there is none more important than that which cultivates a proper relation between the governors and the governed. Imperfect as this must be in this case, yet it is believed that it would be greatly improved by a representation in Congress with the same privileges that are allowed to the other Territories of the United States.

Mr. Chairman, I am a friend of the District of Columbia. That message of President Jackson meets a full response in my heart. I agree with it to the fullest extent. I want the Government of the United States to do its full duty and pay its full share of the expenses of ruling the people here. I would there could be some means devised by which the people here could enjoy the full and free right of governing themselves. Local self-government is the pride and perfection of our system. It seems to me hardly possible that any people, any community of our people, can enjoy or be said to have the benefit of our constitution of government who are deprived of it. I cannot reconcile myself to the continuation of the government we have established over the people of this District. It violates every principle of republican government; it is no more a democratic government or "a government of the people, by the people," than the worst despotism of history. I cannot but tremble with fear and alarm when I hear such a government advocated or defended. The District committee had provided in the tax-bill prepared and reported by it to this House for the election of a Delegate, as recommended by President Jackson in the message from which I have read. This would have been some small approach toward a representation. It would have provided the people here with a voice on this floor, through whom they could make known their grievances and necessities, their wants and desires; through whom those who tax and rule them could be informed of their situation and condition. It is absolutely impossible that justice can be done toward this people without some one to represent them in this body, that rules and taxes them. I enter here and now my most solemn and earnest protest against the government of any people in this country under our Constitution without representation. I repeat, it is in violation of every principle of our republican system. I demand for this people the right of self-government, the right of "home rule."

Mr. LOUGHRIDGE rose.

Mr. GARFIELD. I move that the committee rise for the purpose of obtaining an order from the House to close debate.

The motion was agreed to.

The committee accordingly rose; and Mr. WHEELER having taken the chair as Speaker *pro tempore*, Mr. HAZELTON, of Wisconsin, reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4851) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1875, and prior years, and for other purposes, and had come to no resolution thereon.

Mr. GARFIELD. I move that the House resolve itself into Committee of the Whole and resume the consideration of the deficiency appropriation bill, and pending that I move that all debate on the pending paragraph and the subject-matter thereof be closed in one minute. I desire to make this suggestion: Gentlemen must see the importance of our getting forward with this bill. I think it would be a very bad precedent indeed if we were compelled to pass an appropriation bill of this miscellaneous sort under a suspension of the rules; and if gentlemen will restrain debate and let us go forward, I think we can get through without resorting to that proceeding.

Mr. ELDREDGE. I do not think the gentleman's lecture should have been addressed to this side of the House.

The motion to limit debate was agreed to.

The motion that the House resolve itself into Committee of the Whole was also agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. HAZELTON, of Wisconsin, in the chair,) and resumed the consideration of the bill (H. R. No. 4851) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1875, and prior years, and for other purposes.

The CHAIRMAN. By order of the House debate on the pending paragraph is limited to one minute.

Mr. LOUGHRIDGE. I offer the amendment which I send to the desk. It merely itemizes the amount appropriated in this paragraph.

Mr. GARFIELD. Let the vote be taken on the pending amendment first.

The CHAIRMAN. The question is on the amendment that this paragraph shall be stricken from the bill.

The question being put on the amendment, there were—ayes 15, noes 60; no quorum voting.

Mr. HOLMAN. I call for tellers.

Tellers were ordered; and Mr. HOLMAN and Mr. MAYNARD were appointed.

The committee again divided; and the tellers reported—ayes 34, noes 116.

So the amendment was not agreed to.

Mr. LOUGHRIDGE. I now offer the amendment which I send to the desk.

The Clerk read as follows:

> At the end of line 78 add the following:
>
> The same being the following items: For services rendered the late board of public works, $28,619.68. For balance due on bills of fire departments for the years 1871 and 1872, $9,033.17. Balance unpaid, due to board of health from the District of Columbia, by act of said District Legislative Assembly of June 26, 1873, $13,312.71; estimated expenditures of board of audit from January 1, 1875, to June 30, 1875; $25,000; salaries of assistant engineers from January 1, 1875, to June 30, 1875, $1,800. Total, $77,765.86.

Mr. SPEER. Is that a substitute for the paragraph?

The CHAIRMAN. It is an amendment, to insert these items at the end of the paragraph.

Mr. SPEER. They make no addition to the amount?

The CHAIRMAN. Not at all.

Mr. LOUGHRIDGE. The amendment simply gives the items which enter into the amount.

Mr. GARFIELD. In order to save time I hope the amendment will be adopted by unanimous consent.

The amendment was agreed to.

Mr. HAGANS. I offer the amendment which I send to the desk.

The Clerk read as follows:

> After line 78 add the following:
>
> For annual repairs of the Reform School building in the District of Columbia, $1,000.

Mr. HAGANS. I desire just to say a word in explanation. There is no more necessary appropriation in this bill than this.

Mr. GARFIELD, (interrupting.) There is no objection to that.

The amendment was agreed to.

Mr. CHIPMAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

> At the end of line 78 add the following:
>
> To enable the Secretary of the Interior to pay the persons employed to make the valuation of Government property in the District of Columbia, under section 13 of the act approved December 21, 1871, $2,500: *Provided*, That no portion of this amount shall be paid except for time actually employed in or about the making of said valuation.

Mr. HOLMAN. Is there any law for that? I make the point of order that it is not authorized by existing law.

Mr. CHIPMAN. If the gentleman will allow me, I will state how that is. The act cited in the amendment reads as follows: After providing for an estimate of the property in the District of Columbia belonging to private individuals there is this proviso:

> That all valuations of property belonging to the United States shall be made by such persons as the Secretary of the Interior shall appoint and under such regulations as he shall prescribe.

In accordance with that provision of law the Secretary of the Interior appointed a commission of five to assess the value of the property of the United States in the District of Columbia.

The Secretary, on the 28th day of January, 1875, addressed to the Speaker of the House the following communication, recommending an appropriation of $3,400:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 28, 1875.

SIR: I have the honor to transmit herewith a copy of a letter addressed to me on the 16th instant, by Hallett Kilbourn, Madison Davis, A. A. Hosmer, S. H. Kauffmann, and H. A. Hall, of this city, presenting a claim against the United States for compensation on account of services rendered by them in 1871 and 1872 in appraising the value of the real estate in the District of Columbia belonging to the Government, and of the grounds in said District dedicated to the public use as parks and squares.

In virtue of the authority conferred upon me by section 36 of an act of Congress entitled "An act to provide a government for the District of Columbia," approved February 21, 1871, (United States Statutes at Large, volume 16, page 426,) the gentlemen above named were appointed by me a board of appraisers to ascertain the value of the property referred to in said section. They were duly qualified before the chief justice of the supreme court of the District of Columbia on the 17th day of November, 1871, and completed their labors on the 30th day of March, 1872, on which day their report was prepared and transmitted to this Department. A copy of said report was forwarded to the then governor of this District for transmission to Congress, as required by the section referred to.

It thus appears that the board of appraisers were employed in this work about one hundred and fifteen working days, for which service they claim to be entitled to the sum of $690 each, being at the rate of six dollars per diem for the time employed, amounting in all to the sum of $3,450.

The services for which compensation is claimed by the board of appraisers, were performed to the satisfaction of this Department, and the amount thereof is believed to be reasonable and just, in view of the difficult and important nature of the duties performed by them. The same rate of compensation, six dollars per diem, was allowed and paid to the board of appraisers for their services in appraising the value of squares 687 and 688, recently purchased by the Government.

In view of the foregoing facts I have the honor to recommend that an item similar to the inclosed estimate be inserted in one of the pending appropriation bills.

I am, sir, very respectfully, your obedient servant,

C. DELANO,
Secretary.

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

Mr. GARFIELD. Is this a debatable question?

The CHAIRMAN. It is a statement of the law on which the point of order is founded, and the Chair overrules the point of order.

Mr. CHIPMAN. Then I will address to the committee a word in explanation of my amendment. I have already submitted the letter of the Secretary, and I will state that I have cut down the appropriation nearly $1,000 on the amount asked for. I will state also that the commissioners found $250,000 worth of property belonging to the United States that the United States had lost sight of entirely.

Many MEMBERS. Vote! Vote!

The question was taken, and the amendment was agreed to.

Mr. GARFIELD. I desire to make an unusual request of the committee. It is that we suspend work in this part of this bill and go forward to the sections relating to the Post-Office Department. The member of the Committee on Appropriations, the gentleman from Indiana, [Mr. TYNER,] who has charge of that portion of the bill, is called away to a funeral, which he must attend in a few minutes, and I desire that while he is here we shall act upon that portion of the bill in relation to the post-office appropriations. I ask, therefore, that we shall turn to page 21, where section 2 begins; and when that is disposed of we can turn back and resume the consideration of this portion of the bill.

No objection was made, and the House proceeded to the consideration of section 2 of the bill.

The Clerk read as follows:

SEC. 3. To enable the Auditor of the Treasury for the Post-Office Department to close the appropriation accounts upon the books of his office for the fiscal year ending June 30, 1874, he is hereby authorized to transfer from such appropriation accounts upon the books of his office as show a credit balance to accounts which show a debit balance a sufficient amount in each case to balance the said appropriation accounts.

Mr. TYNER. I move to add to that section the following:

Also to enable the Postmaster-General to adjust and pay the compensation for the transportation of the mails on railroad routes according to the provisions of an act "making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1874," approved March 3, 1873, he is hereby authorized and empowered to use for this purpose so much as may be necessary of the unexpended balance of the amount appropriated for deficiencies in the revenues of the postal service for the fiscal year ending June 30, 1873.

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. That to enable the Postmaster-General to carry out that provision of section 84 of the act approved June 8, 1874, entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," which refers to the readjustment of the salary of postmasters at certain fourth and fifth class offices, the sum of $300,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury arising from the revenues of the said Department, for the fiscal year ended June 30, 1874.

Mr. TYNER. I offer the following as a substitute for that section:

That to enable the Postmaster-General to carry out, so far as certain fourth-class officers are concerned, that provision of section 84 of the act approved June 8, 1872, entitled, "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," which provides for the retroactive adjustment of claims of postmasters when there is an extraordinary increase in the revenues, he is hereby authorized and empowered to use for this purpose the sum of $300,000, or so much thereof as may be necessary, out of the unexpended balance of the amount appropriated for deficiencies in the revenues of the postal service for the fiscal year ending June 30, 1874.

The amendment was agreed to.

MESSAGE FROM THE SENATE.

Here the committee rose informally; and Mr. RANDALL having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the report of the committee of conference on the post-office appropriation bill.

DEFICIENCY APPROPRIATION BILL.

The Committee of the Whole on the state of the Union then resumed its session.

Mr. GARFIELD. I move that the committee rise for a moment in order to allow action to be had upon the report of the committee of conference on the post-office appropriation bill.

The motion was agreed to.

The committee accordingly rose; and Mr. RANDALL having taken the chair as Speaker *pro tempore*, Mr. HAZELTON, of Wisconsin, reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the special order, being the bill (H. R. No. 4840) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1875, and prior years, and for other purposes, and had come to no resolution thereon.

POST-OFFICE APPROPRIATION BILL.

Mr. TYNER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from their amendments numbered 5, 11, 12, 14, 15, and 16.

That the House recede from their disagreements to the amendments numbered 1 and 13.

That the House recede from their disagreements to the amendments numbered 7, 8, 9, and 10, and agree to the same with an amendment, as follows:

Insert in lieu of the words proposed to be stricken out by amendment numbered 8 the word "not," and strike out the word proposed to be inserted; and in lieu of the word "Baltimore" in said amendment insert "Washington;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the seventeenth amendment of the Senate and agree to the same with an amendment as follows:

Strike out the word "written," where it first occurs in the House amendment, and strike out the proviso from the same; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the nineteenth amendment of the Senate and agree to the same, modified by striking out the word "garden;" and the House agree to the same.

JAS. M. TYNER,
J. B. PACKER,
JOHN HANCOCK,
Managers on the part of the House.

J. R. WEST,
T. W. FERRY,
H. G. DAVIS,
Managers on the part of the Senate.

Mr. PARKER, of Missouri. I ask the gentleman from Indiana [Mr. TYNER] to explain the action of the conference committee upon that clause of the bill put on by the Senate and agreed to by the House with an amendment in reference to sending off documents and books on hand.

Mr. TYNER. The clause was not substantially changed in any respect; some of the words added by the House were stricken out in conference, but in no way changing the effect of the provision.

Mr. PARKER, of Missouri. That is the amendment as proposed by the House to the Senate amendment?

Mr. TYNER. Yes; in other words, the conference report is precisely the action of the House yesterday in regard to public documents. I think it is due to myself to make a single remark if the House will bear with me. The fact that I have had charge of this appropriation bill, and of the conference report, might lead to the supposition, unless I should so state in positive words, that I have favored the partial restoration of the franking privilege. I desire only to say in justice to myself that I have been opposed to it all the time, but have not been disposed to antagonize the wishes of the House in that respect.

Mr. SPEER. You shed no tears over it.

Mr. FORT. I move that this bill, as passed, be printed.

The SPEAKER *pro tempore*. The report has not yet been adopted.

Mr. TYNER. I will state the portion of the amendment adopted by the House that was stricken out by the conference committee. It was the proviso which read as follows:

Provided, That speeches reproduced from and printed otherwise than in the CONGRESSIONAL RECORD, and speeches delivered elsewhere than in Congress, shall, not be construed as public documents or be embraced in the provisions of this section.

The object of the Committee on Appropriations in recommending that proviso to the House yesterday, and the object of the House in agreeing to it, evidently was that the original amendment of the Senate should not authorize any speeches delivered outside of Congress to be sent under the frank of a member of Congress. But upon a closer examination of the language of the Senate amendment it was concluded by the conference committee that it was amply broad enough to exclude those speeches any way, and therefore the proviso was stricken out as surplusage.

Then one other change in respect to the franking of garden seeds. The committee of conference agreed to strike out the word "garden," so that the provision might embrace all seeds transmitted by the Commissioner of Agriculture.

Mr. SPEER. Are these documents and seeds permitted to go through the mails on the written frank of a member?

Mr. TYNER. Undoubtedly so.

Mr. SPEER. Until the 1st of December next?

Mr. TYNER. Until the 1st of December next; and that applies also to all documents now printed, or now ordered to be printed.

Mr. SPEER. What was the salary of the postmaster at New York City fixed at?

Mr. TYNER. At $8,000 a year.

Mr. HALE, of Maine. Does not this bill restore the franking privilege with the exception of the correspondence of members?

Mr. TYNER. It does not permanently.

Mr. HALE, of Maine. But so far as it goes in respect to the time?

Mr. TYNER. It does so far as it goes in time. It restores the franking privilege in all respects, except the private correspondence of members, up to the 1st day of December next. After the 1st day of December next there is dropped from the franking privilege the public documents printed by order of Congress except the Agricultural Reports, which are permitted to continue to go free through the mails.

Mr. O'BRIEN. Are speeches taken from the RECORD and published allowed to go free?

The SPEAKER *pro tempore*. The question is upon agreeing to the report of the committee of conference.

Mr. TYNER. I wish to say only one word further. It has been suggested to me that in the hurry of debate a moment ago, in referring to the correspondence of members, I used the term "private correspondence." What I meant to say was that the correspondence of members of Congress, whether it related to their official duties or otherwise, is not provided for under this franking privilege.

The question being taken on adopting the report of the committee of conference, there were—ayes 120, noes 38.

Mr. HOLMAN called for the yeas and nays.

On ordering the yeas and nays there were—ayes 23, noes 136.

Mr. HOLMAN called for tellers on ordering the yeas and nays.

Mr. HAMILTON. We had a record by yeas and nays on this identical question yesterday.

Tellers were not ordered.

So the yeas and nays were not ordered; and the report of the committee of conference was adopted.

Mr. TYNER moved to reconsider the vote by which the report of the committee of conference was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GARFIELD. I move that the House resolve itself into the Committee of the Whole to resume the consideration of the deficiency appropriation bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their Clerks, announced that the Senate had passed without amendment bills of the following titles:

An act (H. R. No. 4840) for the support of the District of Columbia for the fiscal year ending June 30, 1874, and for other purposes:

An act (H. R. No. 4820) authorizing the Wisconsin Central Railroad Company to straighten the line of their road;

An act (H. R. No. 4861) granting a pension to Louis Heinley;

An act (H. R. No. 4857) extending the privilege of the Library of Congress to the Regents of the Smithsonian Institution; and

An act (H. R. No. 4850) authorizing the oppointment of gaugers for the customs service at the port of Philadelphia.

The message also announced that the Senate had agreed to the report of the committee of conference on the amendments of the House to the bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States and granting to railroads the right of way through the public lands.

The message further announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

An act (S. No. 1328) to amend sections 1675, 1676, 1681, and 1682 of the Revised Statutes.

RIGHT OF WAY FOR TERRITORIAL RAILROADS.

Mr. TOWNSEND. I rise to submit a privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States, and granting to railroads the right of way through the public lands, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from their disagreement to the amendment of the House, and agree to the same, with amendments, as follows:

Strike out all of section 2 after "defile," on page 2, in line 11, down to and including line 20.

Strike out on page 2, line 23 of section 3 of the amendment, "or," and insert in lieu thereof the following: "and where such provision shall not have been made."

And the House agree to the same.

W. TOWNSEND,
JACKSON ORR,
W. S. HERNDON,
Managers on the part of the House.
W. M. STEWART,
T. O. HOWE,
Managers on the part of the Senate.

Mr. HOLMAN. I ask the Clerk to read the language that this report proposes to strike from the bill.

The Clerk read as follows:

On the second page of the bill, after the word "defile," strike out the following: *Provided, however*, That any State hereafter formed, within the limits of which a railroad the right of way for which, under the provisions of this act or any part thereof, shall be situated, shall have full authority at all times to regulate and limit the charges for the transportation of persons and freight over the same so far as exclusively within the State, and to prevent discrimination in such transportation: *And provided further*, That all such rights of way shall be subject to the authority of any State hereafter formed through which said railroad shall pass as if the land occupied by such way had been originally granted by such State.

Mr. HOLMAN. The purpose which I had in view in calling for the reading of the part of the bill proposed to be struck out is now accomplished; and I wish to say a word upon this report. The House (with great deliberation, I think) adopted the clause just reported conferring upon the States that may hereafter be formed in the territories in which these roads may be located the power to regulate the subject of transportation within their limits. Not only the amendments which I had the honor to submit, but also the amendment which the gentleman from Massachusetts, [Mr. G. F. HOAR]——

Mr. HALE, of Maine. I rise to a point of order as to the consideration of this report. The report of a committee of conference is undoubtedly privileged; but after being presented, the question of its consideration may be raised in order that the House may decide whether it will at once dispose of it or not. I will not raise that question, provided the gentleman from Pennsylvania [Mr. TOWNSEND] is going to put this report right through without debate.

The SPEAKER *pro tempore*. The Chair does not sustain the point of order of the gentleman from Maine, because in his opinion it comes too late.

Mr. TOWNSEND. I claim the floor.

Mr. G. F. HOAR. This is a very important matter, and——

The SPEAKER *pro tempore*. The Chair recognizes the gentleman from Pennsylvania [Mr. TOWNSEND] who has charge of this report, and who he understood yielded a few minutes to the gentleman from Indiana, [Mr. HOLMAN.]

Mr. HALE, of Maine. Then I insist on raising the question of consideration.

Mr. TOWNSEND. I ask the House to adopt this report. Upon that question I call the previous question.

The SPEAKER *pro tempore*. The question is on agreeing to the report of the committee of conference, on which the gentleman from Pennsylvania demands the previous question.

Mr. HOLMAN. I rise to a question of order.

Mr. WILSON, of Iowa. I make the point of order that this House does not know what it is doing.

The SPEAKER *pro tempore*. In the opinion of the Chair that point is well taken. The Chair will not entertain further business until order is restored.

After a pause,

Mr. HALE, of Maine. I submit to the Chair that, although I was not recognized, I endeavored to raise the question of consideration as soon as the report was read.

Mr. HOLMAN. Mr. Speaker, I have risen to a point of order, and I desire that I shall have it decided before further proceedings take place.

The SPEAKER *pro tempore*. The Chair refused to sustain the point made by the gentleman from Maine, [Mr. HALE,] on the ground that it was made too late. That gentleman now states that he made the point immediately upon the finishing of the reading of the report.

Mr. HALE, of Maine. I rose for that very purpose.

The SPEAKER *pro tempore*. Upon that statement the occupant of the chair sustains the point of order that, the question of consideration being raised, the House has a right to decide whether it will proceed with the consideration of this report or go into Committee of the Whole again.

Mr. TOWNSEND. I call the previous question upon the adoption of the report. I wish only to say that the bill stands now as it originally came from the House committee.

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

Mr. G. F. HOAR. I have a point of order also which I wish to submit.

The SPEAKER *pro tempore*. The Chair will hear one gentleman at a time.

Mr. HOLMAN. The gentleman from Pennsylvania submitted his report to the House. After he had done so I called for the reading of certain portions of the bill struck out by the action of the Senate and of the committee of conference. When the language proposed to be struck out had been read I proceeded, without any interference at all upon the part of the gentleman making the report, to discuss the main amendment made to the bill as passed by the House. I had proceeded for several minutes with my remarks before I was interrupted by the gentleman from Maine. I submit that I was on the floor, not by the courtesy of any gentleman, but in accordance with the rules of the House and in my own right; that I had a right to submit the remarks I was making.

The SPEAKER *pro tempore*. The Chair will state, in reply to the gentleman from Indiana, that he rose and called for the reading of the report, and was recognized for that purpose; but that he held the floor in his own right, he is mistaken, as the Chair had recognized, as

he was compelled to do under the rules, the gentleman from Pennsylvania who submitted the report of the committe of conference. The gentleman from Pennsylvania still held the floor, and the gentleman from Indiana was speaking only by his permission.

Mr. HOLMAN. Let me ask the Chair whether the gentleman from Pennsylvania asked to be recognized?

The SPEAKER *pro tempore*. He certainly did when he submitted the report of the committee of conference.

Mr. HOLMAN. But when he had submitted the report I rose and took the floor for the purpose of discussing it.

The SPEAKER *pro tempore*. The gentleman from Indiana demanded the reading of the report, which he had a right to do. After the report was read, the gentleman from Pennsylvania demanded the previous question on agreeing to the report. The gentleman from Maine [Mr. HALE] now rises to a point of order, which he will state.

Mr. HOLMAN. This is a fraud attempted to be perpetrated upon the House.

Mr. TOWNSEND. The allegation the gentleman from Indiana makes, that there is a fraud attempted to be perpetrated upon the House, is false.

Mr. HOLMAN. I hope the gentleman from Pennsylvania will not become excited, as I am not charging him with attempting any fraud.

Mr. WILSON, of Iowa. I say there is a fraud attempted to be perpetrated upon the country if not upon the House.

Mr. HOLMAN. The gentleman from Pennsylvania is too old to show the passion of a child. I say a fraud is being perpetrated upon the country by the passage of the bill in its present form.

Mr. TOWNSEND. I deny it. It comes here unanimously recommended by the committees in both Houses.

Mr. GARFIELD. I demand the regular order of business.

Mr. HOLMAN. Of course if I am not entitled to be heard I will take my seat.

The SPEAKER *pro tempore*. The gentleman from Indiana has been speaking by the sufferance of the Chair. He is not entitled to the floor unless the gentleman from Pennsylvania, who has charge of the conference report, yields to him. If the House shall vote down the demand for the previous question, then the Chair will recognize the gentleman from Indiana as entitled to the floor.

Mr. TOWNSEND. I am willing, perfectly willing, if the House is willing, that the gentleman from Indiana shall have five minutes to make his remarks if I shall have five minutes to reply to them.

Several MEMBERS. O, no.

Mr. TOWNSEND. Then I insist on my demand for the previous question. This conference report is all right and is a unanimous report from the committees of both Houses.

The House divided; and there were—ayes 100, noes 44.

Mr. WILSON, of Indiana. I demand tellers on seconding the demand for the previous question.

Tellers were not ordered.

So the previous question was seconded.

Mr. WILSON, of Indiana. I now demand the yeas and nays on ordering the main question.

The House divided; and there were—ayes 22, noes 111.

Mr. WILSON, of Indiana. I demand tellers on the yeas and nays; there was no quorum on the last vote.

The SPEAKER *pro tempore*. No quorum was required.

The House divided; and there were ayes 17, noes not counted.

So (one-fifth of those present not having voted in the affirmative) tellers were not ordered.

The yeas and nays were not ordered.

The main question was ordered to be now put.

Mr. SMITH, of Ohio. I demand the reading of the report of the committee of conference.

The SPEAKER *pro tempore*. The gentleman from Ohio demands the reading of the report of the committee of conference, which requires unanimous consent, as the report has already been once read.

Mr. GARFIELD. I object.

The SPEAKER *pro tempore*. The question now recurs on agreeing to the report.

Mr. HOLMAN. I demand a division.

The House divided; and there were—ayes 140, noes 34.

Mr. HOLMAN. I demand the yeas and nays on agreeing to the report.

The House divided; and there were—ayes 28, noes 154.

Mr. WILSON, of Iowa. I demand tellers on the yeas and nays.

The House divided; and there were ayes 28, noes not counted.

So (one-fifth of those present not having voted in the affirmative) tellers were not ordered.

The yeas and nays were not ordered.

The report of the committee of conference was agreed to.

Mr. TOWNSEND moved to reconsider the vote by which the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. LEACH. I ask unanimous consent to print in the RECORD as part of the debates some remarks I have prepared on the Louisiana question and general politics.

There was no objection, and it was ordered accordingly.

DEFICIENCY APPROPRIATION BILL.

Mr. GARFIELD. I move to suspend the rules and go into Committee of the Whole on the state of the Union on the deficiency appropriation bill.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. HAZELTON, of Wisconsin, in the chair.)

The CHAIRMAN. The House is in Committee of the Whole on the deficiency appropriation bill, and the Clerk will proceed with the reading of the bill.

Mr. GARFIELD. We have now come to the bottom of page 24, and I ask to go back to page 7, to take up that portion which was passed over.

There was no objection.

The Clerk read as follows:

TREASURY DEPARTMENT.

Independent treasury:

To enable the Secretary of the Treasury to effect a transfer of accounts involving no appropriation out of the Treasury, namely:

For compensation to designated depositaries for receiving, safely keeping, and paying out public moneys, for the fiscal year 1871 and prior years, $2,342.09.

For contingent expenses under the act for the collection, safe-keeping, transfer, and disbursement of public moneys for the fiscal year 1874, $8,740.64.

Mr. GARFIELD. These paragraphs in reference to the independent treasury make no appropriation out of the Treasury, and I ask they be considered as adopted.

It was agreed to.

The Clerk read as follows:

Territorial governments:

Territory of Dakota: For amount due J. M. W. Jones for stationery for the fiscal year 1872, $135.75.

Mr. PARKER, of Missouri. I offer the following amendment, to come in at the end of that paragraph:

The Clerk read as follows:

Territory of New Mexico: For amount due Manderfield & Tucker for printing in the English and Spanish languages the laws, journals, bills, &c., for the twenty-first session of the Legislative Assembly, as per letter of the Comptroller of the Treasury, being a deficiency for the fiscal year 1874, $4,378.24.

Mr. GARFIELD. This is all right.

The amendment was agreed to.

The Clerk read as follows:

Territory of Wyoming: For amount due J. M. W. Jones for stationery for the fiscal year 1871 and prior years, $677.61.

Mr. PARKER, of Missouri. I move the following amendment.

The Clerk read as follows:

Territory of Washington: For amount ascertained to be due and unpaid for printing done and executed for the Legislative Assembly, as per letter of the First Controller of the Treasury, being a deficiency for the fiscal year 1872 and prior years, $6,451.66.

Mr. STORM. I make the point of order against that amendment.

The CHAIRMAN. What is the point?

Mr. STORM. It is not authorized by law.

The CHAIRMAN. The Chair overrules the point of order.

The amendment was agreed to.

Mr. GARFIELD. I offer the following amendment.

The Clerk read as follows:

Insert as an additional paragraph the following:

To pay Martin Kelly for printing the laws and journals of the seventh session of the Legislative Assembly of Idaho, $538,93.

The amendment was agreed to.

The Clerk read the following under the head of "mints and assay offices:"

For contingent expenses for the fiscal year 1875, $50,000.

Mr. MERRIAM. I move to strike out those two lines.

I do this for the purpose of calling the attention of the country to one of the useless ways a government disposes of a large amount of money every year without advantage to any citizen. I never understood why a government should not use as much economy in its material operations as an individual should with his own affairs. The same conditions of management for success bears upon both. The total coinage of the United States mints from 1821 to 1870 was, of silver, $133,900,463.66. The total coinage of gold from 1821 to 1870 was $809,473,449. We have minted of gold since 1849 $540,000,000. But to-day there is not on this continent to exceed $125,000,000 of coin. I append a table interesting for study.

Total coinage of gold and silver at the United States mints since 1821.

Period.	Gold.	Silver.
1821	$189,325 00	$825,762 45
1822	88,980 00	805,806 50
1823	72,425 00	895,550 00
1824	93,200 00	1,752,477 00
1825	156,385 00	1,564,583 00
1826	92,245 00	2,002,090 00
1827	131,565 00	2,869,200 00
1828	140,145 00	1,575,600 00
1829	295,717 50	1,994,578 00
1830	643,105 00	2,495,400 00
Total	1,903,192 50	16,671,046 95

Total coinage of gold and silver at the United States mints—Continued.

Period.	Gold.	Silver.
1831	$714,270 00	$3,175,600 00
1832	798,435 00	2,579,000 00
1833	978,550 00	2,759,000 00
1834	3,954,270 00	3,415,002 00
1835	2,186,175 00	3,443,003 00
1836	4,135,700 00	3,606,100 00
1837	1,148,305 00	2,096,010 00
1838	1,809,595 00	2,333,243 00
1839	1,355,885 00	2,176,296 00
1840	1,675,302 50	1,726,703 00
Total	18,754,497 50	27,278,967 00
1841	1,091,597 50	1,132,750 00
1842	1,834,170 00	2,332,750 00
1843	8,108,797 50	3,834,750 00
1844	5,428,230 00	2,235,550 00
1845	3,756,447 50	1,873,200 00
1846	4,034,177 50	2,558,580 00
1847	20,221,385 00	2,379,450 00
1848	3,775,512 50	2,040,050 00
1849	9,007,761 50	2,114,950 00
1850	31,981,738 50	1,866,100 00
Total	89,239,817 50	22,368,130 00
1851	62,614,492 50	774,397 00
1852	56,846,187 50	999,410 00
1853	39,377,909 00	9,077,571 00
1854	25,915,918 50	8,619,270 00
1855	28,977,968 00	3,501,245 00
1856	36,697,768 50	5,135,240 00
1857	15,811,563 00	1,477,000 00
1858	30,253,725 50	8,040,730 00
1859	17,296,077 00	6,187,400 00
1860	16,445,476 00	2,769,920 00
Total	330,237,183 50	46,462,183 00
1861	60,693,237 00	2,605,700 00
1862	45,532,386 50	2,812,401 50
1863	20,695,852 00	1,174,092 80
1864	21,649,345 00	548,214 10
1865	25,107,217 50	636,308 00
1866	28,313,945 00	680,264 50
1867	28,217,187 50	986,871 00
1868	18,114,425 00	1,136,750 00
1869	21,828,637 50	840,746 50
1870	22,257,312 50	1,767,253 50
Total	292,409,535 50	13,188,601 90
1871	21,302,475 00	1,955,905 25
1872	20,376,495 00	3,029,834 05
1873	35,249,337 50	2,945,795 50
Total	76,928,307 50	7,931,534 80

It must be evident to those who prefer economy to taxation that here is a good place to begin. The country hardly realizes that Congress since 1860 has made mint appropriations exceeding $11,300,000, an aggregate sum equal to more than one-twelfth of all coin on the continent to-day. To this must be added the cost of new mints, buildings, repairs, &c. For this vast expenditure the nation ought to be able to show some adequate return, but we cannot. No sooner have we coined these millions at millions' cost, no sooner have we stamped the impress of our nationality than our beautiful eagles take wing across the sea, there to enter the crucible of other nations to receive the impress of other nationalities.

For all practical purposes we might as well have spent these millions in coining iron or lead. Now, what we ought to do is to cease coinage, and so long as the balance of trade is against us send out our gold in ingots. What would the school-boys of the world say of the wisdom of grown up men if we marked each kernel of wheat and corn sold to foreigners, the mark to be ground off in the mills of Europe? There would be as much sense in such a proceeding as in the farce we are hourly, daily, and year after year enacting in marking our other merchandise our gold. It is true America is not alone in this play; other nations are equally silly. Every dollar received of this great measure of values goes through the honored dignity of wearing the nation's robes it happens to travel in. The sovereign flows through the crucible to the eagle, and the eagle to the sovereign; and what is the gain save a fleeting pride? In these days of steam and electricity an arrangement ought to be arrived at for a universal decimal coinage that would flow like one language all over the globe; but as we are not likely to do this immediately, we should at least study such economy as tax-payers in these times demand of us. We have many millions of coin in the sub-treasury in New York City, placed on deposit by importers and bankers. We need not disturb it. The certificates we issue upon it represent the gold. Merchants pay duties with them, and as we use the same certificates over and over again, we have no use for more coin until we resume specie payments, which can never be done by legislative commands before the condition of trade has prepared the way.

The assistant United States Treasurer in New York tells me that the shipments of gold to Europe are nearly all made in standard-weight double eagles. We are running our mints to their greatest capacity, for what? I see nothing save a sentimental amusement, and the expense of the amusement some six to eight hundred thousand dollars each year for the people to pay. Under the congressional financial plank voted to a law as a portion of a party platform by this Congress we are entering upon the coinage of silver for another sentimental amusement, and it will be equally expensive and profitless.

We as a nation seem to forget that gold and silver, while only merchandise, will find the market where it will command the highest price as surely as water will seek its level. Silver and gold are each debased in coinage 10 per cent. by copper. Silver in the world's markets to-day is about 3 per cent. less than gold. We debase our silver besides the 10 per cent. of copper, 6.66; so that we cannot float our silver where gold commands over 9.66, except where its convenience becomes a necessity. Men will sacrifice something for accelerating small transactions. It is true we might force men to use silver in small trades by destroying the paper fractional currency, although many men prefer the convenience of paper; still while brokers in bullion can make ½ per cent. in selling silver, it will pass away from the country. One-sixteenth premium in France always draws silver from Germany.

I have called the attention of the committee to these facts, hoping that those who come after us will be induced to give the subject such study as will lead to the saving of vast sums of money now wasted that otherwise might be used for man's progress and happiness.

Mr. GARFIELD. I rise to oppose the amendment, and call for a vote.

The amendment was not agreed to.

Mr. SAWYER. I offer the following amendment.

The Clerk read as follows:

At the end of line 222 insert as follows:

For payment of $42.42, amount certified to be due by the accounting officers of the Treasury Department to J. B. Eugene, late lieutenant of the Forty-Third Regiment Wisconsin Infantry.

Mr. SAWYER. The following letter from the Treasury Department explains this amendment:

TREASURY DEPARTMENT,
Washington, D. C., March 2, 1875.

SIR: I have the honor to recommend that $42.42 having been found due J. B. Eugene, late lieutenant of the Forty-Third Regiment Wisconsin Infantry, by the accounting officers of the Treasury, provision be made in the pending deficiency bill for the reappropriation of the above amount from the balance of the appropriation "subsistence of the Army, 1871," carried to the surplus funds under the fifth section act of June 20, 1874.

Very respectfully,

CHAS. F. CONANT,
Assistant Secretary.

Hon. JAMES A. GARFIELD,
Chairman of the Committee on Appropriations,
House of Representatives.

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read the following paragraph:

For transportation of United States securities prior to June 13, 1874, as per certificate of the accounting-officers of the Treasury, $20,559.07.

Mr. MAYNARD. I move to strike out the paragraph for the purpose of asking the chairman of the Committee on Appropriations a question. In addition to the paragraph just read, there is another item for amount due Adams Express Company for the fiscal year 1874, $1,307.40. How is it that there are two items apparently covering the same period?

Mr. GARFIELD. I suppose that is on account of the form in which the accounts were kept.

Mr. MAYNARD. But this seems to cover the same time.

Mr. GARFIELD. The words "prior to June 30, 1874," cover the balances for years preceding the fiscal year 1874.

Mr. MAYNARD. I withdraw the amendment.

Mr. HERNDON. I offer the following amendment:

At the end of line 249 add the following:

To pay W. D. Mims for witness fees for attendance upon the congressional committee on elections in Louisiana, 15th December, 1869, $111.

The amendment was agreed to.

Mr. TODD. I am instructed by the Committee on Elections to offer the amendment which I send to the desk, to come in as an additional paragraph.

The Clerk read as follows:

To pay Morgan Rawls, contestee, expenses case of Sloan *vs.* Rawls, first district of Georgia, $1,500.

To pay John P. C. Shanks, expenses case of Shanks *vs.* Neff, in the ninth district of Indiana, $1,040.

To pay George Q. Cannon, expenses case of Maxwell *vs.* Cannon, Delegate from Utah, $750.

To pay George A. Sheridan, expenses case of Sheridan *vs.* Pinchback, at large from Louisiana, $1,735.

To pay Effingham Lawrence, contestant, expenses case of Lawrence *vs.* Sypher, first district of Louisiana, $2,000.

Provided, That no person hereafter seated by this House shall have any benefit of this appropriation.

Mr. SPEER, I raise the point of order that there is no law authorizing the payment of these sums of money.

The CHAIRMAN. This was made in order by the House.

Mr. SPEER. There was an amendment made in order by the House which was voted on the other night.

The CHAIRMAN. The Committee on Elections were authorized to report either on the sundry civil bill or on the deficiency bill.

Mr. SPEER. But they were not authorized to report upon both of them, and they did report on the other bill.

The CHAIRMAN. The gentlemen will find on looking at the resolution that it is sufficiently broad to cover this amendment.

Mr. TODD. It is in the line of the amendment adopted the other evening by the House under the same resolution.

Mr. SPEER. I hope the Chair will not decide my point of order until the order of the House is read.

Mr. TODD. I simply desire to explain to the committee that when the amendment was offered yesterday the committee were not ready to report upon these claims, because they had not concluded their investigation of them, and these are simply supplemental to those which were offered last evening, and in the same line and in the same order and subject to the same proviso.

Mr. SPEER. My point of order is that the order of the House did not authorize the committee to offer an amendment of this nature to both the sundry civil bill and the deficiency bill. They might do it in one or the other of them. I ask that the resolution be read.

The Clerk read as follows:

Resolved, That the rules of the House be so far suspended that it may be in order at the time the sundry civil appropriation bill or the deficiency appropriation bill is under consideration in Committee of the Whole to move an amendment thereto to pay the expenditures in whole or part of such parties to contested-election cases as the Committee on Elections may recommend.

The CHAIRMAN. The point of order is overruled.

Mr. WILLARD, of Vermont. It gave them a selection as to which bill they would offer the amendment to; that was all.

Mr. SPEER. I think that is the proper construction of the resolution; but I do not wish to take up the time of the committee by taking an appeal from the decision of the Chair.

Mr. O'BRIEN. Was this amendment first offered to the other bill?

Mr. TODD. O, no.

Mr. O'BRIEN. Then it is clearly in order.

Mr. SPEER. I rise to oppose the amendment. This abuse of paying congressional contestants has proven so enormous, that Congress passed a general law only two years ago absolutely prohibiting the payment of any contestant or contestee.

Mr. BUTLER, of Massachusetts. It was simply a law that they should not be paid out of the contingent fund of the House.

Mr. SPEER. Now in this Congress, under the accumulated pressure of gentlemen on both sides of the House, very excellent and worthy gentlemen, we have adopted an amendment embracing a large number of the parties who have had contests in this Congress, a general log-rolling amendment, putting the good with the bad, the deserving with the undeserving, democrats with republicans—and this log-rolling effort is made on both sides—personal appeals are made and the judgment of the House is largely controlled by personal considerations.

I trust that the committee will lift its hand here and now to stay this kind of legislation; for while I admit that a few of those named in the amendment should be paid, there are others named who clearly should not be paid. I appeal to members of the House to resist this vicious system of legislation, based upon personal solicitation on this floor and personal lobbying by gentlemen, some of whom have no more moral right to this money than they would have if they were to walk up to the Treasury and put their hands into it in the darkness of midnight and take it out. I hope the House will do justice to the people behind us as well as to those with whom we are associated upon this floor.

Mr. NIBLACK. I offer the following as an amendment to the amendment:

To pay John E. Neff, contestant with John P. C. Shanks for expenses, $1,500.

Mr. SPEER. I want to ask my colleague from Pennsylvania [Mr. TODD] whether the Committee on Elections did not by a vote refuse to pay Mr. SHANKS one dollar and when and how that action was reconsidered?

Mr. TODD. When the case of Mr. SHANKS was first presented to the committee it refused to make any allowance, on the supposition that he had not been subject to any expense; that no testimony had been taken in the case. Mr. SHANKS afterward laid before the committee incontrovertible testimony that he had been subjected to expense to twice the amount allowed by the committee now. I may state that in every one of these cases every item was closely scrutinized by the committee, and we rejected fully 50 per cent. of the claims. I may mention as one item that in no case has the committee allowed anything for attorneys' fees.

Mr. KASSON. I wish to reserve the point of order on the amendment offered by the gentleman from Indiana, [Mr. NIBLACK.]

Mr. TODD. Moreover the Committee on Elections in making up the amendment were not governed by any log-rolling influence; they were not influenced by any consideration of that sort. They were influenced strictly by the idea of allowing compensation in all cases where the contest had been made honestly and meritoriously.

Mr. SPEER. Did General SHANKS take any testimony?

Mr. TODD. Yes; a large amount.

Mr. SPEER. Another word. The expenses of contestants of elections here are largely made up of enormous fees paid to counsel. When they come to employ counsel in this city they charge them one, two, or three thousand dollars, and tell them that no matter how much the charge is, they will not have to pay it out of their pockets, but Congress will pay it.

Mr. TODD. Not one dollar of fees charged by any counsel in Washington has been allowed.

Mr. SPEER. Why do you report in favor of giving General SHANKS over one thousand dollars and not one dollar to Mr. Neff?

Mr. TODD. For the reason that Mr. Neff made no claim. We allowed it to General SHANKS because he expended twice that amount in his effort to obtain a seat here, to which the House says he was entitled.

Mr. KASSON. I will state my point of order on the amendment of the gentleman from Indiana, [Mr. NIBLACK,] that not being reported from the Committee on Elections it is not in order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. NIBLACK. It is certainly germane to the pending amendment.

The CHAIRMAN. But the order of the House related only to cases reported from the Committee on Elections.

Mr. TODD. Mr. Neff took no testimony, was subject to no expense, and made no claim for any allowance.

Mr. SAYLER, of Indiana. I will say further that under the laws of Indiana Mr. Neff had not the slightest case, not the shade of the shadow of a case.

The question was upon the amendment reported from the Committee on Elections.

Mr. SPEER. I ask for a division on that amendment. I shall resist it to the last extremity.

The committee divided; and there were—ayes 53, noes 35.

Mr. SPEER. Is that a quorum?

The CHAIRMAN. It is not.

Mr. SPEER. Then I call for a further count.

Tellers were ordered; and Mr. SPEER, and Mr. SAYLER, of Indiana, were appointed.

The committee again divided; and the tellers reported that there were—ayes 103, noes 44.

So the amendment was agreed to.

Mr. SPEER. I give notice that I shall call the yeas and nays on this amendment in the House.

Mr. COBB, of Kansas. I move to insert after the amendment just adopted that which I send to the Clerk's desk.

The Clerk read as follows:

That the proper accounting officers be, and hereby are, authorized and required, in the settlement of all accounts for the services of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States between the 25th day of June, 1868, the date of the act constituting eight hours a day's work for all such laborers, workmen, and mechanics, and the date of the passage of this act, to settle and pay for the same, without reduction on account of reduction of hours of labor by said act, when it shall be made to appear that such was the sole cause of the reduction of wages, and a sufficient sum for said purpose is hereby appropriated, out of any money in the Treasury not otherwise appropriated, in order to enable said officers to pay to the laborers, workmen, and mechanics mentioned in said act of June 25, 1868, the full compensation of a day's wages for each and every eight hours' labor performed, without evasion or subterfuge.

Mr. GARFIELD. I raise the point of order on that amendment that there is now no law authorizing the payment of that money.

The CHAIRMAN. The point of order is sustained.

Mr. COBB, of Kansas. Allow me to be heard. The point of order has been twice before made in Committee of the Whole and twice overruled. It seems to me but fair at least that a few words should be said upon it.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. COBB, of Kansas. The point of order was first made on the 6th of March, 1872, when a measure similar to this was proposed as an amendment to the deficiency bill. Last year this same amendment was moved to the sundry civil bill, and the same point of order was made by the gentleman from Vermont, Mr. WILLARD. Mr. DAWES was in the chair, and overruled the point of order. In the first instance the amendment was offered by Mr. DAWES, and Mr. Stevenson, of Ohio, was in the chair. The point of order was raised by Mr. Farnsworth, of Illinois, and it was overruled. I ask the Clerk to read the decision of the Chair at that time upon that point.

The Clerk read as follows:

The CHAIRMAN. The Chair will rule on the point of order. It seems to the Chair that as the law in force during the period covered by this proposed amendment authorized and required the payment of a day's wages for eight hours' labor, if workmen employed by the Government have been paid but a part, say eight-tenths of what was due them according to law, there is needed no new legislation other than an appropriation to authorize the payment of the remainder. The Chair, therefore, overrules the point of order.

Mr. COBB, of Kansas. The same decision was made last year upon an amendment of similar character.

The CHAIRMAN. The Chair will follow the ruling heretofore made upon a similar amendment, and therefore overrules the point of order.

Mr. GARFIELD. Then, Mr. Chairman, I desire to say this——

The CHAIRMAN. The gentleman from Kansas is entitled to the floor.

Mr. COBB, of Kansas. Mr. Chairman, a large number of men in this country are interested in this appropriation. It is the law of the land to-day that eight hours shall constitute a day's work for every man engaged upon any public works of the United States. This law went into effect on the 25th of June, 1868, but it was

disregarded and set aside by the ministerial officers charged with its execution. These workmen have a fair claim against the Government for the two hours of daily extra labor which they have been compelled to perform by reason of the wrongful evasion of the law of the land by ministerial or executive officers of the Government.

On the 19th of May, 1869, the President of the United States, finding that this law was being disregarded, issued his proclamation, commanding the ministerial officers to obey the law. They, however, still continued to disobey. On the 3d of May, 1872, a law was passed to pay these workmen the amount out of which they had been cheated between the 25th of June, 1868, and the 19th of May, 1869. After the proclamation of the President the law was still defied. I say that the law-making power of the Government should provide that these men be paid for the two extra hours of daily labor which they performed after that date, the same as they were paid for the period between June 25, 1868, and May 19, 1869. I have stated the case in a nut-shell. In the five minutes of time allowed this is all I can do. These are poor men, men without influence in the ranks of wealth and power; but their demand for justice ought to be heard and met without another hour's delay. Whenever it is my fortune to be in Congress they shall never be without an advocate here, and the people's representatives shall pass upon their claims till at last tardy justice is meted to them. I am glad that my last words in this House are spoken as their advocate and friend.

Mr. CREAMER. I trust the House will give this amendment the consideration which it deserves. It seems to me that the Government of the United States, with the sanction of the committee in this House having charge of our finances, is making an attempt to swindle the workmen of the country connected with the various navy-yards, arsenals, and other public works out of nearly $500,000. I have no special knowledge concerning the merits of this case, not having been a member of the House when the question was first brought up, but on general principles it is a false policy for the chairman of the Committee on Appropriations, or any other official in power in this House or any other branch of the Government, to attempt to reject, particularly at this time, the claims of men who have just demands against the Government. Why, sir, we pass appropriation bills here authorizing the expenditure of millions of dollars annually for the support of Indians, the greater portion of which money never perhaps reaches the Indians, but is divided up among contractors. If we can be liberal in that respect, and many other respects, why should we be unjust to these workingmen in the East.

I trust the Government will see that, instead of suspending public works, instead of diminishing the compensation of Government laborers at this time, it is the proper policy to extend public works and to increase compensation.

It is always the policy of a wise government, when there is depression of trade or financial panic, to enlarge its departments of labor, to increase the amount of Government work, to inaugurate new enterprises, to extend public works instead of suspending them. Therefore I trust that members will favorably consider this proposition.

[Here the hammer fell.]

The question being taken on agreeing to the amendment, there were ayes 7, noes not counted.

Mr. COBB, of Kansas. Did a quorum vote?

The CHAIRMAN. In the opinion of the Chair a quorum did not vote. Are tellers insisted upon?

Mr. COBB, of Kansas. Yes, sir.

Mr. CREAMER. Certainly we want tellers. I want to see how many friends these workingmen have in this House when a proposition is made to give them that to which they are entitled. They have a great many professed friends about election time.

Tellers were ordered; and Mr. COBB, of Kansas, and Mr. GARFIELD were appointed.

The committee divided; and the tellers reported—ayes 25, noes 67.

Mr. COBB, of Kansas. I do not insist upon a further count. I am satisfied that the House does not intend to adopt this proposition.

[The tellers retired from their places.]

Mr. CREAMER. I am not satisfied. I insist that a quorum shall vote.

The CHAIRMAN. It is too late.

Mr. CREAMER. It is not too late. The Chair had not announced the result.

The CHAIRMAN. The gentleman who offered the amendment and who was one of the tellers stated that a further count was not insisted upon.

Mr. CREAMER. I insist that it is our right to have this amendment decided by a quorum.

The CHAIRMAN. A further count has been waived; and the amendment rejected. The gentleman's demand comes too late.

Mr. CREAMER. I insist that I made my point in time.

The CHAIRMAN. The point is overruled.

Mr. FARWELL. I offer the following amendment:

The Secretary of the Treasury is authorized to pay R. A. Connolly not exceeding $1,460, the amount of a draft drawn by Major Houston, United States engineer in charge of harbor improvements at Chicago, upon the United States depository at Chicago, October 2, 1871, which was burned in the Chicago fire, October 9, 1871, upon satisfactory proof being furnished him that said draft was burned and destroyed and has not been paid.

The amendment was agreed to.

The Clerk read as follows:

Public buildings:

For the completion of the following public buildings: For the court-house and post-office at Omaha, Nebraska, $10,000; post-office and court-house at Indianapolis, Indiana, $12,000.

Mr. O'NEILL. I move to amend by inserting the following:

That the provisions contained in the act approved March 3, 1869, entitled "An act making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1869, and for other purposes," limiting the compensation to be allowed for the disbursement of moneys appropriated for the construction of any public building was intended and shall be deemed and held to limit the compensation to be allowed to any disbursing officer who disburses moneys appropriated for and expended in the construction of any public building as aforesaid, to ½ of 1 per cent. for said services.

Mr. GARFIELD. I make the point of order against that amendment.

The CHAIRMAN. The Chair sustains the point of order, and rules the amendment out.

Mr. O'NEILL. I think the Chairman is wrong in sustaining the point of order.

The CHAIRMAN. The Chair has sustained the point of order, and the Clerk will read on.

Mr. PLATT, of Virginia. I wish the gentleman from Ohio to state the grounds of his point of order.

Mr. GARFIELD. It is too late, as the paragraph has been passed.

Mr. PLATT, of Virginia. It is not too late, for I called the attention of the Chair to it at once.

The CHAIRMAN. The Chair did not hear the gentleman from Virginia, and it is now too late.

Mr. PLATT, of Virginia. I was on the floor and used every effort possible to call the attention of the Chair to it. I do not think it is too late.

The Clerk read as follows:

For completion of building for United States post-office and court-house, New York, including cost of heating and ventilating apparatus and the cost of area along park front, as per report of the Supervising Architect of the Treasury, $388,160.08.

Mr. GARFIELD. I move to strike that out, as the same provision is contained in the sundry civil appropriation bill.

The amendment was agreed to.

Mr. PLATT, of Virginia. I move to insert the following:

To enable the Architect of the Capitol Extension to procure a suitable hydraulic elevator for the south end of the Capitol, $3,000.

Mr. HOLMAN. I make the point of order against that amendment, that there is no law authorizing any such appropriation.

Mr. PLATT, of Virginia. There is a general law authorizing appropriations for the repair and improvement of this building, and such amendments have uniformly been ruled in order.

The CHAIRMAN. The Chair thinks it would not be a suitable amendment to this deficiency appropriation bill, and therefore rules it out on the ground that it is not germane.

The Clerk read as follows:

For repairing damage (caused by fire) to the building for custom-house and post-office in Newport, Rhode Island, $7,419.43.

Mr. EAMES. I move the following amendment.

The Clerk read as follows:

And $3,712.50 for the erection of a building for storage and other purposes connected with the custom-house at Newport, Rhode Island.

Mr. FIELD. I make the point of order on the amendment that it is not in compliance with any law, and is therefore not in order to this appropriation bill.

The CHAIRMAN. The Chair sustains the point of order, and rules the amendment out.

The Clerk read as follows:

For fuel, lights, and water for public buildings, being for the fiscal year 1875, $40,313.26; and the unexpended balance of the appropriation of the same character made for the use of the fiscal year 1874 is hereby continued and rendered available for the service of the current fiscal year.

Mr. HALE, of Maine. I move the following amendment:

Provided, That the Secretary of the Treasury is hereby authorized to pay vouchers for expenditures incurred prior to June 30, 1874, from appropriations for the present fiscal year, as follows: On account of furniture for public buildings the sum of $500, and on account of the repair and preservation of public buildings the sum of $5,000, and the same shall not involve any increase of the appropriations specified.

The amendment was agreed to.

The Clerk read as follows:

To pay the United States depositary at Buffalo, New York, being for the fiscal year 1875, $891.02.

Mr. GARFIELD. I move to correct an error in that paragraph. It should be for the fiscal year 1871 instead of the fiscal year 1875, and I move that amendment.

The amendment was agreed to.

The Clerk read as follows:

To pay Dawson Tank & Co., of New London, Connecticut, for completing the landing-dock at Little Gull Island, New York, from the appropriation made by act of June 23, 1874, $2,627.40; which sum is hereby continued and made available for said purpose from the unexpended balance of said appropriation.

Mr. HALE, of Maine. I move the following amendment.

The Clerk read as follows:

For printing illustrations of results of the Polaris expedition under direction of the Secretary of the Navy, $15,000.

Mr. HOLMAN. I make the point of order there is no law authorizing any such expenditure.

Mr. HALE, of Maine. In answer to the point of order raised by the gentleman from Indiana I wish to say this is simply a provision for printing the results of that expedition which was undertaken under a direct law passed by Congress. This whole matter was under the supervision of Congress. It authorized the sailing of the expedition, and of course the publication of the report of the results of that expedition. The amendment is therefore in order to this bill. I have no doubt on this statement of facts the gentleman from Indiana will himself say my amendment is in order.

Mr. HOLMAN. I insist on my point that this is not in order. This Polaris expedition was a private enterprise and never entered upon by the United States under the laws of the United States. What was done by the United States was merely incidental to this private enterprise. It was a private and not a public undertaking, and this amendment provides for an appropriation not authorized by law.

The CHAIRMAN. The Chair is of the opinion the amendment is in order, and therefore overrules the point of order.

Mr. HOLMAN. Let me make another suggestion. There is a law upon the statute-book requiring that all such matters must absolutely have their first consideration by the Committee on Printing.

Mr. HALE, of Maine. That does not refer to amendments in the Committee of the Whole on appropriation bills. We are continually appropriating for such purposes on appropriation bills.

Mr. HOLMAN. It is not the rule of the House, but the law and the obligation is absolute on the part of the House that every proposition to print must be first acted on by the Committee on Printing. It is the law, and in that view this amendment is not in order.

Mr. HALE, of Maine. We have appropriated in other bills for like printing. In the sundry civil appropriation bill we voted a million dollars for that purpose.

The CHAIRMAN. The Chair overrules the point of order.

The House divided; and there were—ayes 55, noes 16.

So the amendment was adopted, no further count being demanded.

Mr. GARFIELD. I move the following amendment.

The Clerk read as follows:

To pay William Syphax in full the balance to equalize his pay with that of an assistant messenger, $655.38.

Mr. ARCHER. I should like to ask the chairman of the Committee on Appropriations how old this claim is?

Mr. GARFIELD. It is not a claim.

Mr. HOLMAN. It is in defiance of the law instead of being in pursuance of it.

Mr. GARFIELD. An appropriation was made. The case went to the Court of Claims and the Court of Claims decided that the claimant was entitled to more than the amount appropriated. The following was the finding of the court:

The petitioner claims for services in the Interior Department in a capacity similar or equivalent to that of an assistant messenger.

The court find that the petitioner served in such capacity from the 1st of March, 1851, to the 7th of December, 1870, and during that period received pay from time to time, but in an amount not equal to that of an assistant messenger.

That in the act making appropriations for sundry civil expenses for 1871, an appropriation was made in these words: "For additional pay heretofore withheld from William Syphax, to equalize his compensation with that of an assistant messenger, $2,180."

The said sum of $2,180 has not been paid to the said Syphax, but refused.

And on the facts stated the court find that said Syphax is entitled to recover against the United States the said sum of $2,180, and judgment is ordered therefor.

OPINION.—The appropriation made by the act of Congress is as authoritative as any other act of Congress which makes the law of the land. It is specific as to the amount and as to the person, and it is not to be questioned or reduced here nor anywhere else. And the evidence filed in the case shows that the amount appropriated and claimed in this suit is less than that earned. It should be said it was not disputed by the Attorney-General, but only submitted to the court.

This appropriation is to satisfy the finding of the court, to pay what the Court of Claims awarded as due.

Mr. STORM. This claim has been rejected over and over again.

The amendment was agreed to.

Mr. BUTLER, of Massachusetts. At the request of the gentleman from New York, [Mr. WHEELER,] who is absent from the Hall, I send up the following amendment agreed to by him.

The Clerk read as follows:

To supply a deficiency in the moneys appropriated for the support of totally disabled volunteer soldiers in the national homes, $350,000, or so much thereof as may be necessary.

Mr. GARFIELD. Has the gentleman from New York [Mr. WHEELER] agreed to that?

Mr. BUTLER, of Massachusetts. Yes.

Mr. GARFIELD. I have no objection to the amendment.

The amendment was agreed to.

Mr. GARFIELD. I offer the following amendment.

The Clerk read as follows:

After line 365 insert the following:

Provided, That so much of the appropriation for subsistence of the Army as may be necessary may be applied to the purchase of subsistence stores for sale to officers for the use of themselves and their families, and to commanders of companies or other organizations, for the use of enlisted men of their companies or organizations, and the proceeds of all sales of subsistence supplies shall be hereafter exempt from being covered into the Treasury, and shall be immediately available for the purchase of further supplies.

The amendment was agreed to.

Mr. MYERS. I offer the following amendment.

The Clerk read as follows:

After line 403 insert as follows:

For clothing to the seamen, ordinary seamen, landsmen, and boys enlisting in the Navy, $90,000.

Mr. HALE, of Maine. The gentleman perhaps is not aware that the papers in this matter were sent over to the Senate, and that this was put in the sundry civil bill.

Mr. MYERS. The gentleman is mistaken.

Mr. HALE, of Maine. Then I make the point of order that if this is not the same item as has gone to the Senate there is no law for it.

Mr. MYERS. If the gentleman will read my amendment he will see that it is not the same item as that to which he refers. The question of giving an outfit of clothing to sailors on their enlistment has had the careful examination of the Naval Committee, to which my bill for that purpose was referred, and by their unanimous instruction I reported it favorably to this House. It was submitted to the Committee on Appropriations, and, I was led to believe, had their unanimous approval. No separate law for it, however, is necessary—only an appropriation—and I offer the amendment now not only as an act of long-delayed justice to the sailors, but in pursuance of the recommendation of the Secretary of the Navy, who sent to our committee this petition for its passage, signed by Rear-Admiral Case and all the officers of the ships in the North Atlantic fleet, lately off Key West, one hundred and seventy-nine in number, urging in the strongest terms that the measure will bring much greater efficiency to the naval service and put an end to a great wrong upon our seamen.

This appropriation is only for the balance of the present fiscal year—not for any deficiency otherwise—but it establishes a precedent which will be followed hereafter, that the cost of a sailor's outfit shall not be deducted from his pay. We clothe our soldiers and appropriate the money to pay the expenses. We appropriate annually—$100,000 this very year—for the clothing of the marines who tread the same decks with the sailors, and there is no special law needed to sanction it, for having an Army and Navy the right to appropriate for their subsistence and clothing follows as a matter of course. By a singular omission Congress, year after year, has neglected to appropriate for the clothing of the sailor.

The Navy Department has a Bureau of Provisions and Clothing. The gentleman from Maine [Mr. HALE] might as well argue that there is no law allowing provisions for the seamen, yet no one contends that the price of their food should be deducted from their pay. Now, each year we appropriate for the pay of the sailor. Does he receive the amount voted? No, sir! the very first day of his enlistment sixty dollars—three months' pay—are deducted from him and he is marked on the ship's book in debt for that much clothing, besides ten or twenty dollars to the shipping-master or boarding-house keeper, more of this clothing debt being added subsequently. Surely this great wrong is not generally known or it would not have been permitted so long. For months and months the sailor's family look in vain for a support of which the Government has deprived them. What is the consequence? The sailor feels that he has been entrapped and he often takes the first opportunity to desert. When a chance occurs there are sometimes fifty desertions at a time from this cause. But the chance does not generally occur for five or six months, for Jack Tar is not even allowed to go ashore until he has worked off this load of unjust debt.

Captain S. G. Luce, of the Navy, wrote to me, under date of June 8, 1874:

On board one of the ships of the squadron to which I was lately attached the indebtedness of the crew after being ten months on board averaged twenty-six dollars per man, and the total indebtedness of the crew of a first-rate, on leaving the United States not long since for a foreign station, amounted to $31,778. The rule under our present system is for a sailor to enter the Navy loaded down with debt for inferior clothing. To work off this debt is almost hopeless, so that men are often driven to desert in hopes of bettering their condition.

I have received from the Navy Department the following statement of desertions from our Navy between January 1, 1867, and October 1, 1873, and they continue in the same ratio: In 1867 there were 2,396; in 1868 there were 1,914; in 1869 there were 1,531; in 1870 there were 1,731; in 1871 there were 1,851; in 1872 there were 1,892; and in 1873 up to the 1st of October 1,294; making 12,639 desertions in less than seven years—nearly 50 per cent. more than the whole number of men now allowed the Navy.

Commodore Reynolds, late Chief of the Bureau of Equipment and Recruiting, writes: "We desire to give the seamen an outfit on enlistment without charge." The Chiefs of the Bureau of Provisions and Clothing have for years recommended this to be done. The Secretary of the Navy has urged it in his annual reports, and Secretary Robeson in his letter of March 24, 1874, transmitting to the Naval Committee the petition of the officers of the North Atlantic squadron—which I have before me—earnestly indorses their request.

Not only is this step demanded as a matter of right, but it will materially benefit the naval service, and so all these officers testify. Commodore Reynolds informs me that the average period of the desertions I have named is seven months, so that the Government loses the men just when it has educated them to be skilled seamen; and besides that, the deserter when still in debt carries off clothing for which a deficiency cannot fail to arise; in fact, the Senate has placed upon the sundry civil appropriation bill to-day, and very justly, an appropriation to cover a deficiency of the kind which has been accru-

ing for years, so that even in the matter of money the Government has not been the gainer by this injustice.

Every other government clothes its sailors. I know no law by which we deduct this cost from the money appropriated to pay our seamen. In fact I can find no regulation to authorize this cruel wrong. It is done simply in pursuance of a custom, originally adopted for the benefit of the paymasters who sold the clothing, which abuse has been abolished, a custom which would be more honored in the breach than in the observance. We pay for the clothing of the soldiers and marines every year of their service. Complete justice will not be had in this particular till we do the same for the sailors; but as reforms cannot always be accomplished at a bound, and the Navy Department and naval officers only plead for the outfit, let us at least give this outfit, and do so at once, for the four remaining months of this fiscal year. Start the sailor out of debt. You have no right to load him down with such an obligation. There are but eighty-five hundred men in our Navy; they seldom vote, and their petitions rarely reach these halls; but in peace and war the American sailors have reflected the highest credit on our country, and I shall be rejoiced if, before closing my congressional term, I can accomplish for them this act of supreme justice.

[Here the hammer fell.]

Mr. HALE, of Maine. I have taken some interest in the Navy and its sailors ever since I have been here. There is only one thing to be said about this appropriation. It is simply because the Bureau of Provisions and Clothing report that the appropriations have not been made large enough in the regular bill. This matter is cared for for the coming year by a clause in the sundry civil bill, which reads, "for clothing of the Navy, $150,000."

Mr. MYERS. This amendment is not to provide for that.

Mr. HALE, of Maine. If it is, there is no need, I think, for this appropriation. The appropriation in that bill is larger than that proposed by the gentleman from Pennsylvania, and large enough to meet all the wants of the Bureau. If, on the other hand, it is an appropriation which under the guise of a simple appropriation means to change the rules and regulations of the Navy Department, founded on law, then I am for one not willing to make that change here. This is not the place to make it. The amendment is subject first to the point of order which I have reserved; and if the point of order is not well taken, then I claim that here is no place for us to consider whether or not we can advantageously change a regulation which has existed for years. But the Senate has been liberal and has agreed to an appropriation of $150,000, and I have no information that leads me to believe that both these sums will be needed, and I do not think they are needed.

Mr. MYERS. I desire to be heard in reply for a moment.

Many MEMBERS. Vote! Vote!

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. MYERS. I move to strike out the last word and I desire to say a few words only. I shall detain the House but a very short time; I am in earnest in this matter.

Mr. GARFIELD. I ask a decision on the point of order.

The CHAIRMAN. The point of order is overruled.

Mr. MYERS. The provision to which the gentleman refers has been inserted in the sundry civil bill so as to give the Navy Department that deficiency which arises mainly out of this very wrong. It it is not to give the sailor his clothing free of charge. What I propose is that hereafter the sailor, on being given his outfit of clothing, shall have it as the soldier and the marine have it, free of charge. I find no regulation in the Book of Regulations of the Navy Department, and there is no law in the Revised Statutes which allows an officer of the Navy to deduct from the pay which we appropriate by law for the sailor the cost of his clothing.

It is time this wrong was corrected. I shall not be here longer than to-morrow, and as I stated I desire before my term expires to secure for the sailor this benefit, which is his right, and to prevent the wrong which he has hitherto been subjected to. We can do it here by providing that for the remainder of the fiscal year, in the enlistments hereafter occurring, this charge for clothing shall not be deducted from the sailor's pay. I hope the House will be as true to the sailors and to the necessities of the naval service as it has been to other defenders of the nation.

[Here the hammer fell.]

The question was taken on the amendment; and on a division there were—ayes 12, noes 25.

Mr. MYERS. I call for tellers.

Tellers were ordered; and Mr. MYERS and Mr. GARFIELD were appointed.

Mr. GARFIELD. I shall insist upon a full count, for here is an appropriation of $80,000 which is not asked for by the Department.

Mr. MYERS. It is asked for by a letter from the Secretary of the Navy.

The committee again divided; and the tellers reported—ayes 80, noes 68.

So the amendment was agreed to.

Mr. McCRARY. I ask permission of the House to turn back to line 415, for the purpose of moving an amendment which is approved by the Committee on Appropriations. My attention was called away at the time it was read. I move to insert after the paragraph ending line 415 the following:

For amount found due by the Fourth Auditor of the Treasury in settlement of claim of Francis Scala, late leader of the marine band, for commutation of quarters, being a deficiency for the fiscal year 1871, $737.80.

Mr. GARFIELD. That is correct.

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read as follows:

Indian office:

For this amount, or so much thereof as may be necessary to make up the deficiency in the general appropriation for the fiscal year ending June 30, 1875, for transportation of supplies provided for the Sioux Indians under treaty of April 29, 1868, including the Santee Sioux, the Yankton Sioux, and the Poncas, $75,000.

Mr. DUNNELL. I would like to have some explanation from the chairman of the Committee on Appropriations how so large a deficiency could have occurred in the supplies for a single year for this single tribe of Indians?

Mr. AVERILL. That is not a tribe of Indians; it embraces a great many tribes; it is a very large nation. If the gentleman will go there he will find about fifteen or twenty thousand Indians.

Mr. DUNNELL. The trouble with me was that it seemed to be a very large deficiency. An appropriation was made for the transportation of supplies, and how the Department could have incurred so large a deficiency as $75,000, I cannot understand.

Mr. PARKER, of Missouri. This is a deficiency for the fiscal year ending June 30, 1875, the present fiscal year. For the last fiscal year the Government appropriated $150,000 for this purpose, and last year the Department asked for the same sum for transportation, &c., for this year. We gave what we thought a sufficient amount—only one-half of what was asked—$75,000. They have made a showing to us which satisfies us that the Department cannot possibly get along during this fiscal year without the amount asked.

Mr. CREAMER. I move to strike out this paragraph. Inasmuch as the President and members of the Cabinet have unanimously admitted that they owe five thousand mechanics and laborers of this country $500,000, and this House has refused to pay them, I do not see why we should be asked to make up a deficiency of $75,000 for the Sioux Indians. I hope we will determine now whether we will vote this large appropriation for this purpose.

The motion to strike out was not agreed to.

Mr. STEELE. I move to insert after the paragraph last read the amendment which I send to the Clerk's desk.

The Clerk read as follows:

For this amount due Henry Housman for supplies furnished the Red Cloud agency in December, 1873, and January, 1874, being a deficiency for the fiscal year 1874, $339.66.

For this amount due E. Nagle for oats, &c., furnished the Red Cloud agency in December, 1873, and April, 1874, being a deficiency for the fiscal year 1874, $245.46.

For this amount due H. Haas for supplies furnished the Red Cloud agency in November and December, 1873, and January and February, 1874, being a deficiency for the fiscal year 1874, $377.11.

For this amount due Jules Ecoffey & Co. for supplies furnished the Red Cloud agency in August and September, 1873, being a deficiency for the fiscal year 1874, $94.85.

For this amount due Jules Ecoffey for the delivery at the Red Cloud agency, under contract of March, 1874, 119,000 feet of sawed lumber, being a deficiency for the fiscal year 1874, $1,779.05.

Mr. STEELE. I admit that it was with some surprise that, upon looking at this deficiency bill, which I supposed included all deficiencies for the service for the last fiscal year, I found there were some items which were not provided for. In Executive Document No. 69 of the present session of Congress I find these items which I have moved as an amendment. They are certified to by the Secretary of the Treasury to the Speaker of the House and to the House as being debts against the Government of the United States, and for which it is necessary for Congress to make an appropriation to pay.

I know all these men to whom these items relate. They are all residents of my Territory, all my constituents. The first, Mr. Housman, whose claim amounts to $339.66, is in no sense an Indian contractor. He is engaged in the hardware business in one of our towns, and has supplied articles to the Government for which he has not received pay. So it is with the other parties; they are all traders who have furnished supplies to the Government, which it honestly owes them for, and for which it has failed to pay.

[Here the hammer fell.]

Mr. GARFIELD. I want once for all to make the response which the Committee on Appropriations will make to a large number of amendments likely to be offered. In the document No. 69, to which the gentleman from Wyoming [Mr. STEELE] refers, which is the book of deficiency estimates, there occurs a series of small and large amounts of Indian deficiencies, covering about seven printed pages, and amounting in the total to $471,349.

Mr. PARKER, of Missouri. And in another place there are items to the amount of to $70,000 more.

Mr. GARFIELD. And in another place there are $70,000 more, making considerably more than half a million dollars composed of little and large sums. Not one word of explanation accompanies them except the simple, naked statement that they are sums found due. Now I have no doubt some of these claims are just and should be paid. In some cases it will be a hardship if they are not paid and paid now. But the Committee on Appropriations believe that we ought not to be a mere perfunctory organization, a mere nodding committee, to say "yes" to whatever the Department sends to us.

I went to the Interior Department myself; I called upon the Commissioner of Indian Affairs and said to him that we could not consent to make appropriations on the mere naked statement that they were deficiencies; that if we could do this, all we would have to do would be to appropriate year after year what the Department asked, and let it expend the money as it pleased; that, as a matter of good government and sound policy, there ought to be something more definite and precise upon which to base our appropriations. In response to my visit, the Commissioner of Indian Affairs sent me a letter in which he said that a part of these expenses grew out of unexpected emergencies and a part had arisen because we did not appropriate enough for the years in which the expenses were incurred. But it is a matter for Congress to judge whether we appropriate enough. I do not doubt that there are many of these items that ought to be provided for; but I cannot say which they are. If we put in any it will be only a matter of guess. I therefore think the Committee on Appropriation did right in omitting all. Let the Departments understand that we must have definite, specific information before we vote this class of appropriations.

Mr. MAGINNIS. Why is it that the Department can pay all these large Indian contracts without any difficulty, but when the Indian agents go to farmers and to laborers, and pile up these little bills of $40, $50, $60, or $100, there is no money to pay them? These accounts come here and pass through the Department; your Treasury officials allow them; but you rise here and say you will not pay them, because they are small amounts.

Mr. GARFIELD. Does anybody say that we will not pay them because they are small amounts?

Mr. McCORMICK. Mr. Chairman, I renew the amendment, and I do so to express my astonishment that the Committee on Appropriations should so deliberately ignore the estimates for deficiencies for the Indian service sent in by the Interior Department, and to be found in detail in House Executive Document No. 69.

When at the last session of Congress but a part of the deficiencies for the year ending June 30, 1874, were allowed, it was my clear understanding, as I find it was that of others, that at this session they should be provided for in full. In some remarks made on this floor May 11, 1874, I said:

> I regret that while the deficiency bill gives all that is asked to sweep away the indebtedness of the fiscal year ending June 30, 1873, it provides for less than one-half of the amount asked for the debt of the present year, and will thus enable the payment of something less than 50 per cent. upon claims many of which have been due from the first months of the year.

Now, when the Department requests an appropriation for this deficiency and for others which have since accrued, the committee take no action whatever. It will not do to say that the Department has been negligent, for so long ago as January 13 the document to which I have alluded, (Executive Document No. 69,) and in which the claims are itemized, was referred to the Committee on Appropriations, and if that committee wanted any explanations beyond those given, there has been ample time to get them from all sources. If application had been made to the territorial representatives they could have shown the urgent need of an appropriation to meet these deficiencies, but I cannot find that any one of them has been summoned before the committee or the sub-committee, or consulted in any way.

Mr. Chairman, these deficiencies are, as I took opportunity to say at the last session, the direct and natural result of the failure on the part of Congress to make adequate appropriations for the Indian service. Whatever criticism may be made upon the Interior Department, it cannot be denied that its estimates for the Indians have been promptly laid before Congress, and had they been treated as the estimates of other Departments have been, most if not all of these deficiencies would have been avoided. But it is a notorious fact that for years these estimates, in the face of every representation and exigency, have been ruthlessly reduced. Hundreds of thousands of dollars have been cut off, and yet the committee seem surprised that there are deficiencies. It would indeed be remarkable if there were none under such a state of affairs. All over the Indian country the Government has honest creditors whose patience is well-nigh exhausted by the gross and, as I think, wholly inexcusable neglect of Congress. It is costing the Department from 20 to 30 per cent. more to furnish Indian supplies than it would if they could be promptly paid for.

I say, as I have said before, that if any of the claims presented are thought to be extravagant or incorrect, they should be rejected; but I know that very many are not such, and that good men who have furnished supplies at fair rates and in good faith, who have really given effect and success to the so-called "peace policy," are, not a few of them, actually suffering for want of the money due from the Government. They have been used as no merchant would dare to use his creditors, and in a manner disgraceful in the extreme to a great government.

Whether it is wise or unwise to feed Indians, it is but just that, so long as it is the policy, the cost, however large it may be, should be promptly provided for and the credit of the Government sustained.

I hold in my hand a letter from the Commissioner of Indian Affairs, sent yesterday to the chairman of the Committee on Appropriations of the Senate, accompanied by a letter from the Secretary of the Interior, which I will print in connection with my remarks, simply calling attention to the fact that during the last three years there has accrued to the surplus fund out of the appropriations made for the Indian Office over $725,000.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 2, 1875.

SIR: I have the honor to inclose herewith copy of communication from the Commissioner of Indian Affairs, of this date, stating the necessity of certain deficiency appropriations for the service of his Bureau for the year ending June 30, 1875, and prior years.

I beg to invite your careful attention and consideration to this subject, and to the facts as stated by the Commissioner. Unless the relief asked for by him is granted, the Indian service must inevitably suffer serious detriment. His statement discloses both the propriety and necessity of the appropriations asked for, and arguments both of humanity and economy may be added to the considerations which he presents.

I desire to call attention especially to a few facts connected with this subject.

First. The appropriations for the years alluded to have been reduced much below the estimates made for the service.

Second. During a part of this time there has been absolutely returned to the Treasury out of the appropriations made for the Indian service in all its branches a sum nearly equal to the deficiency now asked for.

Third. The necessity for the excess of appropriation during the years prior to 1875 arose out of facts and circumstances mentioned by the Commissioner, over which the Department had no control, and the deficiencies thus created were rendered absolutely necessary by all the laws of humanity and economy.

Fourth. It is manifest, from the Commissioner's statement, that if these deficiencies had not been incurred, a much greater expenditure would probably have been necessary, and a great sacrifice of life involved, both among the Indian and white population.

Fifth. It may be said with justice, that the causes which led to the necessity for the deficiencies during these years were known to the President and the Secretary of the Interior, and that the administration of the Commissioner of Indian Affairs, in incurring such deficiencies, was substantially approved by both these officers.

In regard to the necessity for a deficiency appropriation for the year ending June 30, 1875, I invite particular attention.

It will be seen that without a deficiency appropriation for this year, it will be impossible to provide for the wants of a large body of Indians, for whose provision we are under obligation.

I must not fail to say that the economy and fidelity of the Commissioner in administering the appropriations for this year will challenge any fair criticism, however close. I do not believe any branch of the public service has been administered with greater economy, and the figures furnished by the Commissioner justify this conclusion.

The misrepresentations in regard to this subject made by interested parties, and others who are desirous of breaking down the present policy of the President, and possibly the want of full and correct information on the part of some who are its friends, justify me, I think, in this strong assertion.

I have felt it my duty to add all these reasons to what has been said by the Commissioner in favor of the deficiencies asked for, so that it may not be said that the Department has failed to lay before Congress as forcibly as possible all the facts in favor of the request now made.

Very respectfully,

C. DELANO, *Secretary.*

Hon. L. M. MORRILL,
Chairman Committee on Appropriations United States Senate.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 2, 1875.

SIR: I have the honor to invite your attention to a subject the consideration of which I deem to be of vital importance to the public service committed to the administration of this Bureau.

On November 13, 1874, I had the honor to forward deficiency estimates for the fiscal year ending June 30, 1874, and prior years, amounting to $465,169.16. On January 19, 1875, I submitted a supplementary estimate, amounting to $70,618.80, for the same purpose. On December 12 and 14, 1874, I invited the attention of the Department to the necessity for additional appropriations, during the present year, for the purchase and transportation of supplies for the Sioux, amounting to $237,900. On December 21, 1874, I submitted an estimate for supplies, amounting to $175,000, required to subsist the Apaches in Arizona for the remainder the of present year ending June 30, 1875.

Of the deficiencies prior to June 30, 1874, $62,326.45 accrued prior to June 30, 1873. The estimates for these amounts failed to secure an appropriation at the last session, as did also an estimate for the deficiencies of 1874, which were known to exist, and were so reported at the last session. These deficiencies have been occasioned by inadequate appropriations. For the last three years the appropriations have fallen short of the estimates by the Department from $300,000 to $700,000 annually. They represent the aggregate of accounts which have been filed, and are admitted to be due for supplies and services actually furnished and rendered, and the failure to make the necessary appropriations will bring loss and hardship to many parties who have served the Government in good faith.

In the nature of the case, owing to the distant and widely-scattered fields of operations, and on account of the changes which are frequently occurring, against which no human foresight can provide, no other branch of the public service is so liable to exigencies which necessitate deficiencies as the Indian Bureau. But if the Bureau had not made the expenditures to meet the exigencies which have arisen in the service, loss of life, and untold damage upon the settlers in their vicinity, and warfare upon the Indians, at an expense tenfold greater than that actually incurred, would have been the result. Especially was this true during the years 1872 and 1873, in Arizona and New Mexico, when the Indians were being brought by the military upon reservations, and a corresponding increase of supplies to be purchased for them was absolutely required.

The part of the country under the ravages of the Apaches made it necessary to adopt the severest military orders respecting these Indians. They were promised by General Howard and General Crook, in the name of the President, that if they would come on reservations and remain at peace they should be fed; and that those who refused to come on, or left their reservations, should be shot. They were gathered and were fed, and this deficiency has resulted. If, in these circumstances, the Government had failed to feed them, it would have deserved the execration of mankind.

The main portion of the deficiency for the year ending June 30, 1874, was occasioned by the continued necessary expenditures in Arizona, upon the policy of feeding the Indians who were forced upon reservations by the miliary, for which an adequate provision, according to the estimates of the Department, was not made by Congress, and also by the gathering of the northern hostile Sioux at the Red Cloud and Spotted Tail agencies, who demanded rations, which the agent, being without troops, was powerless to refuse. The scanty supply of buffalo, which are rapidly disappearing from the old hunting-grounds of these Indians, drove them into these agencies, where most of them now are; and thus was created an emergency against which no foresight could have provided.

Respecting the deficiency appropriation asked for the year ending June 30, 1875. I have the honor to state that up to the present time, so far as known, there has

been no expenditure beyond the amounts appropriated; but it is a fact well ascertained that the appropriations made at the last session of Congress for feeding the Sioux and Apaches, and for transporting their supplies, will not be sufficient to provide for those Indians until the end of June next.

The estimated amounts still unprovided for are:

For transportation to the Sioux	$75,000
For subsistence of Sioux at Red Cloud and Spotted Tail agencies	162,900
For subsistence of Apaches of Arizona	175,000

One million nine hundred and fourteen thousand pounds of goods and coffee and sugar were purchased in New York and Philadelphia, and 7,315,000 pounds of flour, corn, pork, bacon, salt, &c., were purchased in Sioux City, Omaha, and Cheyenne, in all 9,229,000 pounds of freight, required to be transported to the —— different Sioux agencies in Dakota, of which 2,830,000 pounds were required to be carried from 200 to 260 miles by wagon after reaching the end of transportation by rail and water. For this service only $98,000 was appropriated, or an average of about one cent per pound. Any one familiar with the business of freighting will see that transportation cannot be procured at such rates, and to require the Indian Bureau to perform this service on this appropriation is to require an impossibility.

The additional supplies required at Spotted Tail and Red Cloud result from the fact that the hitherto hostile Northern Sioux who gathered at these agencies during the past year were not provided for according to estimate made to Congress during the last session, and consequently have repeated the demands of last year, and have taken the rations which were provided for other Indians. There is no reasonable doubt that a failure thus to provide for this class of Indians would have driven them away to be now engaged in depredations or in open conflict with the military.

Respecting the deficiencies anticipated in Arizona, I have to say that supplies for the present year have been purchased at lower rates than ever before; that the Indians have been definitely enrolled as to numbers; and, with the exception of Cochise's band of about eight hundred, the issues have been made to them in agencies which have been within the command of officers of the Army; and that respecting no part of the Indian service have I more confidence that both the Government and the Indians have been honestly dealt with than at these agencies in Arizona during the present year. And yet the amounts appropriated by Congress, which were below the estimates, will not be sufficient to feed and provide for these Indians till the end of June next.

It is proper to furnish a memorandum of prices that are now being paid for supplies for the Sioux and Apaches:

Beef for Arizona, gross weight, at the agencies	$2.69	per 100 pounds.
Beef for the Sioux, gross weight, at the agencies	2.30 1-30	per 100 pounds.
Flour for the Sioux, except Red Cloud agency, delivered at Sioux City	2.73	per 100 pounds.
Flour for the Red Cloud agency, delivered at Cheyenne	2.50	per 100 pounds.
Flour for the several agencies in Arizona, except a small amount at Rio Verde	$5.00 to 6.65	per 100 pounds.

A comparison of the cost of these supplies with the rates paid by the military at the same points will show a large balance in favor of the Indian service.

It is also proper to state that during the last three years there has accrued to the surplus fund out of the appropriations made for this Bureau over $725,000.

The law enacted in the appropriation bill forbids the Department incurring any indebtedness beyond the amounts appropriated. Up to the present time, with the possible exception of accounts for transportation, which have not yet been rendered, no such indebtedness has been incurred within the knowledge of this office, but unless additional funds are made available for the present year the alternative before the Department is either to violate this positive enactment or to cease feeding the Sioux and the Apaches about the 1st of May next.

The latter course, if adopted, can mean nothing but pillage and Indian warfare. It will leave without food and uncared for over thirty thousand Indians, who have been compelled to come upon reservations and are ordered to be shot by the military if they leave. They certainly will not stay in hunger; many of them will escape the military and will be sure to make their living somehow by plunder among the settlements.

I cannot believe that Congress, with these statements received as facts, will hesitate to make appropriation to prevent any such disaster and cruelty. But if that body should decline to so provide, it will be difficult, if not impossible, for the Department to make any further purchases, because it will be a virtual declaration by the highest authorities that no claims on account of supplies thus furnished will ever be allowed; and even if this were not true, in my judgment this case can no longer be treated by the Department as an emergency in the meaning of the law. That cannot be called an emergency which has been clearly foreseen in ample time to make provision therefor.

I have the honor to be, very respectfully, your obedient servant,

EDW. P. SMITH,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

The amendment was not agreed to.

Mr. MAGINNIS. I offer the following amendment:

For this amount, or so much thereof as may be necessary, to enable the Secretary of the Treasury to pay the adjusted accounts of the parties named in Executive Document No. 69, submitting estimates for the deficiency bill, due in consequence of deficiencies in the appropriations for the years 1872, 1873, and 1874, for the Indian service in the Territory of Montana, as awarded by the accounting officers of the Treasury Department, $14,681.39.

Mr. Chairman, I hold in my hand a list of accounts for the payment of which this appropriation is desired. The amount in the aggregate is about $15,000. Every one of these accounts has been passed by the Commissioner of Indian Affairs, and has been declared to be justly due by the accounting officers of the Treasury. They were all included in the letter of the Secretary of the Treasury making estimates for this deficiency bill, and known as Executive Document No. 69. For some unaccountable reason, or rather from some whim, the Committee on Appropriations has omitted these items from its bill. These sums are mostly due to farmers, merchants, and laborers in Missoula County, in the Territory I have the honor to represent. Not one of the men whose claims are embraced in this paper can be called an Indian contractor. If they were Indian contractors I should not be speaking for them here; nor would it be necessary, for that class generally understand their business so well that they can carry through their claims without any aid of mine. The great contractors, sir, are rarely left behind to the tender mercies of a deficiency bill. But these poor men—farmers, laborers, hotelkeepers, and merchants—have not been paid; and it is desired to still longer refuse them payment. If your Indian agents or officers exceeded their duty and made purchases without authority or issued vouchers in excess of their appropriations, punish them, but do not victimize the people who honestly furnished the supplies or performed the labor for which these vouchers were issued. These claims range down as low as thirty and forty dollars, and have been due one, two, and in some instances three years; and justice requires that the Government should pay such debts even more promptly than it pays its larger and wealthier contractors and many others whose claims pass this House. And a Government that plumes itself on the fidelity with which it meets its pledges to its bondholders cannot afford to repudiate its acknowledged debts to these poorer men who hold its smaller vouchers.

Mr. STEELE. The chairman of the Committee on Appropriations says that no one talks of repudiating these debts. I answer that if we fail to appropriate the money necessary to pay them it is repudiating them. There are no means by which these people can receive the amounts due to them unless the Congress of the United States will make the necessary appropriation. Mr. Chairman, it is attempted to create the impression that the failure to make these appropriations will be no hardship. Now, sir, one of the men interested in the amendment offered by me, to the amount of $1,800—money due him by the United States and which has been due and owing him since the end of the last fiscal year—money due him for articles furnished the Government and which were cash to him, I see by the last paper received by me from home has had his property offered for sale on execution to pay debts and judgments against him, while the United States owes that man the money which, if they would pay him, might have saved him from this trouble. Sir, it is neither honest nor just in the Government to treat its citizens and creditors in this manner.

Now, sir, the Commissioner of Indian Affairs says that unless Congress makes this appropriation it will be impossible to pay these men. Therefore I say, whether you expressly and honestly repudiate your debts by refusing to pay them or do it tacitly and dishonestly by failing to make provision to pay them, it amounts in the end to the same thing. It amounts to repudiation, and nothing else. If you do not make provision here to pay these just debts you will refuse to do what the Indian Department has reported that you ought to do. You will refuse to pay demands which your own Treasury Department has audited and passed and certified to this House to be proper and just. You will fail to pay debts that you are in duty bound to pay, and fail to do what common honesty commands that you do.

Sir, these claims are honest and just; no man has risen here, and no man can rise here and say that one dollar of these claims is unjust or dishonest. There has been no robbery in any of these items; there are no large items. They are no claims of large contractors, but the honest demands of honest men against the Government. There are no millions involved in this appropriation, but perhaps if there were millions involved in it there would not be so much difficulty in obtaining payment.

Mr. Chairman, I hope that this House will have the courage and honesty to make the necessary appropriations to pay the honest and just debts of the Government to its own citizens.

The amendment was agreed to.

Mr. CANNON, of Utah. I offer the following amendment.

The Clerk read as follows:

To enable the Secretary of the Treasury to pay the adjusted accounts of parties named in Executive Document No. 69, due in consequence of deficiencies in the appropriations for the years 1872, 1873, and 1874, for the Indian service in the Territory of Utah, as awarded by the accounting officers of the Treasury, $10,113.94.

Mr. CANNON, of Utah. Mr. Chairman, this comprises the same class of cases as those which have been described by the gentleman from Arizona, [Mr. MCCORMICK,] the gentleman from Wyoming, [Mr. STEELE,] and the gentleman from Montana, [Mr. MAGINNIS.] It is to pay for labor done for the Government. It is to pay laborers upon Indian farms, for furnishing beef, for merchandise, and for other necessary articles supplied to the Indians. These expenditures were necessary to enable the Indian agents to carry on their business successfully, and these men ought to be compensated for the labor which they have done and for the goods which they have furnished to these agents of the Government. It would be the greatest hardship to the people to whom these amounts are due if this appropriation should not be agreed to at this time. I know it is a small amount, but nevertheless it is one which will do immeasurable good to those who are interested in getting what is due them. I know myself many of these debts to be due. I know some of the parties who have given credit to the Department. I also know that it was expected in good faith at this session of Congress an appropriation would be inserted in the deficiency appropriation bill to cover all these items. It is a small amount, as I have said, but it is to pay debts due and which ought to be paid without further delay.

Mr. MCCORMICK. The House should know that beyond the gross injustice to creditors of the Government which must result from a failure to make the appropriation for deficiencies for the last fiscal year, there is a probability that if one is not made to provide supplies for the remainder of the present year the Indians now upon reservations must starve or go upon raids of robbery and murder, to quell which will cost vastly more than all the money now asked by the Interior Department.

I call upon gentlemen upon this floor who have advocated the

"peace policy" to prove their faith in it by giving appropriations to sustain it. They should not talk in one way and act in another. They must know that Indians cannot be kept quiet upon fine words and smooth promises. They must know that the responsibility of this whole business rests right here much more than with any Department, and that it is a responsibility which those who profess to desire peace upon the frontier cannot escape.

If the "peace policy" is the policy of the Government, the Government should not be the first to complain of its cost and to expose to embarrassment and loss those who endeavor in good faith to carry it out. If it is an expensive policy that is no fault of the people of the frontier, and ought to have been considered before it was adopted and made an Administration measure.

The amendment was rejected.

The Clerk read as follows:

Indian office:

For this amount, or so much thereof as may be necessary to make up the deficiency in the general appropriation for the fiscal year ending June 30, 1875, for transportation of supplies provided for the Sioux Indians under treaty of April 29, 1868, including the Santee Sioux, the Yankton Sioux, and the Poncas, $75,000.

Mr. SHANKS. I am directed by the Committee on Indian Affairs to offer the following amendment.

The Clerk read as follows:

For this amount, to be paid to the Seminole Nation of Indians for the difference between the amount paid by the United States and the Creeks for the reservation now occupied by the Seminoles by treaty of June 14, 1866, and the amount deducted for the same from the money due them for their former territory ceded to the United States by treaty of March 25, 1838, $40,000; the same to be appropriated as follows: one-half to be applied, under the direction of the Secretary of the Interior, to the payment of the present debts of the Seminole Nation, and the balance to be paid to said Indians *per capita* in the same way as annuities are paid.

Mr. SHANKS. This is the unanimous report of the Committee on Indian Affairs, and is recommended by the Secretary of the Interior and the Commissioner of Indian Affairs.

The amendment was agreed to.

Mr. LOWE. I offer the following amendment.

The Clerk read as follows:

After line 485 insert the following:

That the Secretary of the Interior be, and is hereby, authorized, with the consent of the citizen class of Pottawatomie Indians, to sell not exceeding $20,000 worth of their bonds now held in trust by him, and to apply the proceeds of such sale in the purchase of subsistence, seeds, and agricultural implements, and for other beneficial objects for said Pottawatomies.

Mr. LOWE. I offer this at the request of the Commissioner of Indian Affairs and the Department of the Interior.

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

The amendment was agreed to.

The Clerk read the following paragraph:

For the balance still due the confederated tribes of the Kaskaskias, Peorias, Weas, and Piankeshaws, arising from the sale of their "trust lands" by William Brindle, late receiver of public moneys at Lecompton, Kansas, $1,209.88.

Mr. PARKER, of Missouri. I move to amend by striking out the paragraph just read. This has been put into another bill and has got into this bill by mistake.

Mr. LOWE. That is right.

The motion to strike out the paragraph was agreed to.

Mr. PARKER, of Missouri. I offer the following amendment, to come in after the amendment of the gentleman from Kansas [Mr. LOWE] just adopted.

The Clerk read as follows:

For this amount, or so much thereof as may be necessary, to pay deficiencies for expenses contracted by the special commissioners, Powell and Ingles, in the removal of Pi-Ute Indians in 1873 and 1874, as by letter of Commissioner on Indian Affairs and books of said office, $15,935.83.

The amendment was agreed to.

Mr. BUTLER, of Tennessee. I offer the following amendment.

The Clerk read as follows:

Add to the bill the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to transfer to the Secretary of the Treasury all stocks and evidences of indebtedness that may be due and held in trust by the Secretary of the Interior on account of the Creek orphan fund, arising under the provisions of the treaty with the Creek Nation of March 24, 1832, whereupon it shall be the duty of the Secretary of the Treasury to issue United States 5 per cent. registered bonds, with interest accruing on the same from July 1, 1874, and which said bonds shall be held in trust by the Secretary of the Interior, who may, at the request of the said orphans or their legal representatives, cause the same to be converted into money, to be applied for the benefit of the Creek orphans of 1832, or their legal heirs and representatives, in accordance with the provisions of said treaty, in such sums and at such times as may be required: *Provided*, That no part of said money herein provided for shall be paid or delivered until the Creek council shall, by act duly passed, and a certified copy thereof filed in the office of the Secretary of the Interior, certifying by name and amounts severally the persons entitled thereto, as such orphans, or their legal heirs, to whom it shall be severally paid: *And provided further*, That any excess that shall remain of said fund, after paying said orphans and heirs as hereinbefore provided, or so much thereof as may be necessary, shall be retained by the Government of the United States for the purposes of refunding to the Treasury of the United States the amount paid to and for certain loyal Creek refugees in pursuance of a joint resolution of Congress, approved February 22, 1862; and that, further, any balance of said fund shall be placed in the treasury of the Creek Nation, and become a common fund of said Creek Nation, and become a national fund, to be used by them as they may in council determine: *And provided further*, That no officer of the Government of the United shall either entertain, recognize, or pay to any claim agent, attorney, or pretended attorney, any fee or compensation for any services rendered, or pretended to have been rendered, in the presentation of this claim.

Mr. GARFIELD. I make the point of order on that amendment. This is the old Creek claims affair, which is older than I am, and has been here in Congress seeking to be passed as a bill ever since I have been here. But it has never been offered in an appropriation bill, because it is acknowledged everywhere that if passed at all it must be passed as a claim before it can be paid.

The CHAIRMAN. The point of order is well taken.

Mr. ELKINS. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 504 add the following:

For this amount of the deficiency in the incidental expenses in Indian service, Territory of New Mexico, $50,000, in accordance with the recommendation of the Secretary of the Treasury in his letter of January 8, 1875.

Mr. GARFIELD. I make the point of order on that amendment.

Mr. ELKINS. There is no point of order in it. What is the gentleman's point of order? On what ground does he object?

Mr. GARFIELD. There is no appropriation for this purpose, and there is no precedent for voting a deficiency in such a case.

Mr. SAYLER, of Indiana. I ask the gentleman from New Mexico what legislation there is supporting this amendment?

Mr. ELKINS. There is no legislation in it.

Mr. SAYLER, of Indiana. Then it is subject to the point of order. A deficiency is in the nature of supplying an appropriation already made. A deficiency appropriation must be predicated on existing legislation, and the same rule applies in my judgment to a deficiency that belongs to the original appropriation.

The CHAIRMAN. The Chair thinks the point of order must be sustained.

Mr. ELKINS. May I submit a remark? This is a deficiency to supply a want in an appropriation heretofore made by Congress for this purpose. It is in the line of the bill. It is exactly in accordance with other deficiencies asked for in this bill, and is recommended by the Secretary of the Treasury to supply a deficiency.

The CHAIRMAN. Is it predicated on existing law?

Mr. ELKINS. Yes, sir.

Mr. SAYLER, of Indiana. Where is the law?

Mr. GARFIELD. I know of no appropriation heretofore made of which this is to supply a deficiency.

Mr. ELKINS. Here is a letter from the Secretary of the Treasury recommending that this amount be allowed and asking Congress to pass the deficiency.

The CHAIRMAN. This paragraph may be passed over until the chairman of the Committee on Appropriations ascertains whether there is any law warranting the amendment.

Mr. ELKINS. I ask that the letter may be read.

Mr. CONGER. If this is to supply a deficiency in an appropriation already made, is it not in order?

The CHAIRMAN. The chairman of the Committee on Appropriations says he does not so understand it. It will be informally passed over until the chairman of the committee ascertains the fact, the point of order on the amendment being reserved.

The Clerk read as follows:

TREASURY DEPARTMENT.

To pay to internal-revenue collectors, assessors, and other internal-revenue officers their salaries, commissions, and expenses allowed by law, as have been or may be ascertained and certified by the accounting officers of the Treasury Department; and to pay such further allowances as have been or may be granted to such collectors and assessors by the Secretary of the Treasury, in lieu of such salaries and commissions; and to pay miscellaneous expenses of carrying into effect the various provisions of the several acts providing for internal revenue, being for the service of the ten years ending June 30, 1872, $200,000.

Mr. SHELDON. I offer the following amendment to come in after that paragraph:

That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed, in the settlement of the accounts of E. Boyd Pendleton, late collector of the fifth district of Virginia, to audit and allow such amounts as are shown to have been stolen or embezzled by his late deputy collector R. W. Hobson, it first having been proven to the satisfaction of the Treasurer that such embezzlement or losses did not occur through any fault or negligence of said Pendleton: *Provided*, That in case any of the money so stolen or embezzled shall be recovered the same shall inure to the benefit of the United States.

The amendment was agreed to.

The Clerk read as follows:

To pay such claims for services rendered and expenses incurred in detecting and bringing to trial and punishment persons guilty of violating internal-revenue laws, or conniving at the same, as have been or may be allowed and certified by the proper officers of the Treasury Department, as provided by law, being for the service of the five years ending June 30, 1872, $20,000.

Mr. STRAIT. I offer the following amendment:

That the provisions contained in the act approved March 3, 1869, entitled "An act making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1869, and for other purposes," limiting the compensation to be allowed for the disbursement of moneys appropriated for the construction of any public building was intended and shall be deemed and held to limit the compensation to be allowed to any disbursing officer who disburses moneys appropriated for and expended in the construction of any public building as aforesaid to ½ of 1 per cent. for said services.

Mr. GARFIELD. I understand that the Committee on Public Buildings and Grounds are unanimously in favor of this amendment regulating the pay and allowances of the disbursing agents on the erection of public buildings. I do not know that there is any objection to it.

The amendment was agreed to.

Mr. SHELDON. I offer the following amendment, to come in after the one just adopted:

That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to give John S. Chapman, late collector of internal revenue for the second district in the State of Louisiana, credit in the settlement of his official accounts for the sum of $900 taxes collected, which was lost or stolen while in course of transmittal, in a registered letter, through the Post-Office Department.

Mr. SAYLER, of Indiana. I raise the point of order on that amendment, and object to it until I can hear something further in regard to it.

Mr. SHELDON. This amendment is unanimously reported from the Committee on Ways and Means. It is a case where this man's accounts have been settled and where this loss clearly occurred through default on the part of the Post-Office Department.

Mr. SAYLER, of Indiana. It is a claim like every other claim on the Calendar, and I insist on the point of order on it.

Mr. BURCHARD. The gentleman from Louisiana [Mr. SHELDON] is mistaken in saying that it is unanimously reported by the Committee on Ways and Means.

Mr. SHELDON. I was not aware that there was any objection to it.

Mr. SAYLER, of Indiana. It is like every other claim on the Calendar.

The CHAIRMAN. The Chair is compelled to sustain the point of order.

The Clerk resumed the reading of the bill, and read as follows:

WAR DEPARTMENT.

To pay claims of officers and enlisted men of the regular Army for back pay that may be due them on pay-rolls, final accounts, and Treasury certificates, being for the service of the fiscal year 1871 and prior years, $23,711.75.

Mr. MAYNARD. I have a report to make to the House from the committee of conference on the disagreeing votes of the two Houses on the legislative, executive, and judicial appropriation bill. I think it important that it should be acted on promptly and at this time. I move, therefore, that the committee rise, in order that when we get into the House I can have an opportunity to present that report.

The motion was agreed to.

The committee accordingly rose; and, the Speaker having resumed the chair, Mr. HAZELTON, of Wisconsin, reported that the Committee of the Whole on the state of the Union had, pursuant to the order of the House, had under consideration the bill (H. R. No. 4851) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1875, and prior years, and for other purposes, and had come to no resolution thereon.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. MAYNARD. I rise to a privileged report, which I send to the Clerk's desk.

The Clerk read as follows:

The conference committee on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, having met, after full and free conference, have been unable to agree.

HORACE MAYNARD,
CHARLES O'NEILL,
JAMES C. ROBINSON,
Managers on the part of the House.

LOT M. MORRILL,
GEORGE F. EDMUNDS,
H. G. DAVIS,
Managers on the part of the Senate.

Mr. MAYNARD. Ordinarily I should ask the action of the House upon the report as submitted, and that another conference be asked. But this is the fourth conference we have had upon this bill. It is proper, therefore, and I beg the indulgence of the House while I do so, to make a statement somewhat in detail as to the exact points of difference between the two Houses.

As this bill passed the House originally it contained provisions for the payment of clerks and other employés of the Senate, and for the payment of clerks and other employés of the House. When the bill went to the Senate that body thought proper, on the one hand, to increase the pay that we had designated for their clerks and employés, and on the other to strike down the pay we had fixed for our clerks and employés—and notably, and let me have the attention of the House to this—the pay of the Chief Clerk and the journal clerk of the House, the pay of the two reading clerks, of the tally clerk, and of the assistant journal clerk, and also the pay of our stenographers for committees.

Upon going into conference the conferees on the part of the House expressed themselves content to allow the Senate to adjust the pay of their employés as they might think proper. The Senate conferees, however, as I understood, expressed a willingness to recede from the increase which they had voted for their employés, but they were not willing to recede from their amendments by which they struck down the pay that we had fixed for our employés.

Mr. G. F. HOAR. What reason do they give for that?

Mr. MAYNARD. I know of no reason excepting that they thought it was too much. I will remark here that the sums which we fixed are the same that appeared in the appropriation bill of last year; that is, for the Chief Clerk and the journal clerk $3,600 each, as long as the present officers are incumbents; and for the assistant journal clerk, the tally clerk, and the two reading clerks, $3,000 each. The Senate struck down those amounts, for the first two clerks to $3,000 each, and for the others to $2,592, the same amount that we pay to the other assistant clerks and to the clerk of the Committee on Ways and Means and the clerk of the Committee on Appropriations.

After discussion, however, the Senate conferees submitted to us a proposition which they authorized us to report to the House. It is that they are willing to recede from their amendments so far as the Chief Clerk and the journal clerk of the House are concerned, but expect and require us to give up with respect to their amendments concerning the two reading clerks, the tally clerk, and the assistant journal clerk. The conferees on the part of the House did not feel authorized to agree to that, and therefore we have disagreed in the conference.

I have thought it proper to state the precise point at issue: Shall we adhere to the sums which we have indicated as in our judgment only adequate to the payment of the officials I have named, or shall we recede and agree to pay them the sums indicated by the amendments of the Senate?

Mr. RANDALL. Have you ever known the Senate to undertake before to fix the compensation of the clerks and employés of the House?

Mr. BECK. How many conferences have been had on this bill?

Mr. MAYNARD. We have had four conferences. I suppose the only method by which we can obtain an expression of the opinion of the House is for me to submit a motion.

Mr. HALE, of Maine. Before the gentleman does that allow me to ask him a question. Did the same point come up in this last conference that came up in the previous conferences; and has that point prevented the accord between the two bodies?

Mr. MAYNARD. Precisely the same question, except that in this conference the conferees on the part of the Senate agreed to concede the sums that we have designated as the salaries of the chief clerk and the journal clerk, but requires us to recede from the sums that we designated as the salaries of the other clerks.

Mr. HALE, of Maine. The only point that has defeated all the conferences has been in reference to the pay of the clerks?

Mr. MAYNARD, That is the only point. There were one or two other minor officers of the House, the assistant postmaster whose pay is reduced, and our telegraphic operator whose pay is reduced, and our two stenographers of committees whose pay we fixed at $5,000, and the Senate proposes to reduce it to $4,200.

Mr. HALE, of Maine. There is nothing else in the whole bill, but what they agree to?

Mr. MAYNARD. Nothing else, I belive.

Mr. HALE, of Maine. We ought to get this bill through as soon as possible, because it is now less than twenty-four hours from the close of the session.

Mr. O'BRIEN. I think we ought never to submit to the dictation of the Senate. It is a question of right and of proper dignity, and we ought never to submit.

Mr. BECK. Does the gentleman from Tennessee [Mr. MAYNARD] tell us that we must either accede to the demands of the Senate or lose this bill?

Mr. MAYNARD. I have not so stated; I am not authorized so to state.

Mr. BECK. I do not want to risk the loss of the bill. I would give up almost anything else rather than do that.

Mr. RANDALL. There is no great danger of that; I think I may say, no danger. The Senate has now receded half way; and if we stand firm, I think that body will take the remaining step backward.

Mr. HALE, of Maine. But suppose they do not.

Mr. KELLOGG. What is now the difference between the two Houses

Mr. RANDALL. Only $1,600.

Mr. MAYNARD. I move that the House insist on its disagreement and ask another conference with the Senate.

Mr. HOLMAN. I move that the House recede from its disagreement upon the point in question. The amendment upon which the Senate insists merely puts these salaries back to where we put them ourselves by the act repealing the salary-increasing features of the act of March 3, 1873.

Mr. O'BRIEN. I think we had better stand by the law that has been last passed.

The question being taken on the motion of Mr. HOLMAN, there were ayes 32, noes not counted.

So the motion was not agreed to.

Mr. RANDALL. Would it be in order to move that, if the House insists, the same conferees shall be appointed.

The SPEAKER. If the House should again insist, the Chair, having within his discretion the appointment of conferees, would appoint the same gentlemen making this report.

Mr. RANDALL. I understand the gentleman from Tennessee to say that the Senate conferees have already receded in part.

The question being taken on the motion of Mr. MAYNARD, it was agreed to.

The SPEAKER. The Chair reappoints the same conferees.

WASHINGTON MARKET COMPANY.

Mr. CLARK, of New Jersey. I move to suspend the rules and pass a bill which has been approved by the Committee on the District of Columbia. It is a bill to amend an act entitled "An act to incorporate the Washington Market Company."

The bill was read, as follows:

Be it enacted, &c., That all duties, powers, and authority in the act of May 20, 1870, entitled "An act to incorporate the Washington Market Company," imposed and conferred upon the mayor and common council of the city of Washington, or upon the mayor and alderman of said city, shall be imposed and conferred upon, and may be exercised by, the executive department of the District of Columbia for the time being, or the senior officer thereof, or the chief justice of the supreme judicial court of said District.

SEC. 2. That the right of any occupant who may hereafter occupy any stalls or stands, to the possession thereof, shall be regarded as his personal property, subject to revert to the said market company on non-payment of the advance monthly rent or any amount due for use and occupation, to be paid on the last secular day of the preceding month; and on the non-payment of the advance monthly rent or amount due for use and occupation, the said company shall be entitled, at any time thereafter, on demand, on the premises, of payment of the amount due and unpaid, to re-enter upon and repossess the said premises; and on refusal or neglect of the said occupant to vacate and deliver up the said premises, the market company shall have relief under the second section of the act entitled "An act to regulate proceedings between landlords and tenants in the District of Columbia," approved July 4, 1864.

Mr. WILLARD, of Vermont. I understand that there is no particular objection to the bill except that the words "who may hereafter occupy" should be changed to read "who may hereafter rent." With that modification I do not object to the bill.

The SPEAKER. The Chair hears no objection to the modification.

The motion to suspend the rules was agreed to, two-thirds voting in favor thereof; and the bill (H. R. No. 4862) was passed.

MILITARY ACADEMY BAND.

Mr. YOUNG, of Georgia. By direction of the Committee on Military Affairs, I ask unanimous consent that it may be in order in Committee of the Whole to offer the following as an amendment to the deficiency appropriation bill:

That the Military Academy band shall consist of one teacher of music, who shall be leader of the band, and may be a civilian, and of forty enlisted musicians of the band; that the teacher of music shall receive ninety dollars per month, one ration, and the allowance of fuel of a second lieutenant of the Army; and that of the enlisted musicians of the band, ten shall each be paid thirty-four dollars per month, and the remaining thirty shall each be paid thirty dollars per month; and that the enlisted musicians of the band shall have the benefits as to pay arising from re-enlistments and length of service applicable to other enlisted men of the Army.

This is the unanimous report of the Committee on Military Affairs after investigating the subject, and the measure has been recommended by two Boards of Visitors to the Military Academy.

The SPEAKER. Is there unanimous consent that this may be offered in Committee of the Whole as an amendment to the deficiency bill?

Mr. HOLMAN. I object.

Mr. YOUNG, of Georgia. I move to suspend the rules to make the proposition in order.

The motion was agreed to; there being ayes 97, noes not counted.

SURETIES OF DAVID L. STANTON.

Mr. NIBLACK. I move to suspend the rules so that it shall be in order in Committee of the Whole to offer as an amendment to the deficiency appropriation bill the following, which has been approved by the Committee on Ways and Means:

That John T. Ensor, Zephaniah Poteet, and the other sureties of David L. Stanton, late collector of internal revenue for the fifth district of Maryland, by bond to the United States dated April 24, 1869, be, and they are hereby, released from their said liability arising from any defalcation of the said David L. Stanton as such collector; and the proper officer of the Treasury Department be, and he is hereby, authorized and directed to dismiss any and all suits that may have been instituted and are now pending in favor of the United States against the sureties aforesaid growing out of the default of the said collector.

Mr. NIBLACK. I trust there will be no objection. I will explain it when it comes to be voted on in committee.

The rules were suspended, and the amendment made in order to the deficiency appropriation bill.

DEFICIENCY APPROPRIATION BILL.

Mr. GARFIELD. I move that the rules be now suspended and the House resolve itself into the Committee of the Whole on the state of the Union on the deficiency appropriation bill.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union on the deficiency appropriation bill, (Mr. HAZELTON, of Wisconsin, in the chair.)

Mr. PLATT, of New York. I move to insert the following at the end of line 63, page 26.

The Clerk read as follows:

The Postmaster-General is hereby authorized to make such transfer in the accounts of his Department for the current fiscal year as may be necessary by reason of the changes of the post-offices in the newly annexed part of the city of New York to the stations of the New York City post-office.

Mr. GARFIELD. I have no objection to that amendment, but it should come in at the end of the post-office section.

Mr. POTTER. That is where it is proposed to be inserted.

The amendment was agreed to.

The CHAIRMAN. The point of order reserved is on the amendment of the gentleman from New Mexico, [Mr. ELKINS.] The Chair thinks the point of order is not well taken. The amendment embraces items covered by law, and are therefore legitimately in the deficiency appropriation bill. The Clerk will again read the amendment of the gentleman from New Mexico.

The Clerk read as follows:

For this amount for the deficiency in the incidental expenses of the Indian service in New Mexico, as an additional deficiency in the deficiency bill approved June 22, 1874, $50,000, in accordance with the recommendation of the Secretary of the Treasury in his letter of January 8, 1875, to the House of Representatives.

Mr. BECK. I wish to know what that amendment is.

Mr. GARFIELD. I desire to say that I cannot see any merit in appropriating $50,000 for New Mexico or any other Territory when there has been no estimate sent in to the Committee on Appropriations, no request bearing on this, no demand from the proper Department asking for the insertion of any such appropriation. It is only swelling this deficiency appropriation bill to please this, that, or the other gentleman.

Mr. ELKINS. Mr. Chairman, I wish to reply to the gentleman from Ohio, chairman of the Committee on Appropriations. He is mistaken in the statement he has just made, as this deficiency is not only asked for by the Secretary of the Treasury, but also by the Secretary of the Interior, and by the Commissioner of Indian Affairs. The items covered by my amendment are embraced in the letter of the Secretary of the Treasury of January 8, 1875, to the House of Representatives. There are items embraced as low as $14, and so on up to $100 and $120; none higher than $2,000. This appropriation is to pay for vouchers about which there is and can be no question. The vouchers have been approved by the Indian Department. I challenge any gentleman upon this floor to state any good and valid objection to any of them. They are due and ought to be paid, and it is necessary to make this appropriation for that purpose.

Mr. GARFIELD. Does the Delegate from New Mexico mean to say that this $50,000 is an aggregation of a great many small claims?

Mr. ELKINS. It is; and here are the items set forth in detail in the letter of the Secretary of the Treasury.

Mr. GARFIELD. There is nothing in the language of the gentleman's amendment to identify them. I say there has been no request sent to the Committee on Appropriations to make this appropriation of $50,000. In the amendment offered and now pending there is no limitation whatever. If the gentleman means that it is an aggregation of all these smaller items why did he not say so?

Mr. ELKINS. It does say so.

Mr. GARFIELD. O, no; he has left that out.

Mr. ELKINS. The amendment states that it is in accordance with the letter of the Secretary of the Treasury of January 8, 1875. It also has been recommended by the Department of the Interior under the law for the payment of incidental expenses of the Indian service in New Mexico. Here are the items; many very small, running down as low, as I have said, to $14. I do not wish to specify all these items in detail in the amendment. It is not necessary. I think the amendment is sufficiently explicit. Now, does the gentleman from Ohio wish to repudiate the action of the Secretary of the Interior and the Indian Department? These are just and legal debts contracted by the Government, and ought to be paid. There can be no question about that whatever. I hope the amendment will be adopted.

The CHAIRMAN. The gentlemen's time has expired.

Mr. LOUGHRIDGE. I will take the floor and yield my time to the gentlemen from New Mexico.

Mr. ELKINS. I will yield to the gentleman from Arizona to ask me a question.

Mr. McCORMICK. Let me ask the gentleman from New Mexico, whether, in his judgment, there would be any need for appropriations to supply these deficiencies if the appropriation asked for by the Department were made in accordance with their carefully-prepared estimates and not cut down as they have been?

Mr. ELKINS. If the appropriations were made as asked for by the Department there would be no necessity to ask for this appropriation to supply deficiencies.

Now I do not see the necessity or the reason for inviting proposals and asking people to furnish beef, corn, and other supplies to the Indian Department and then after they have been supplied to the Government refusing to make appropriation to pay for them. They are debts due by the Government, and are sanctioned by the pledge of the faith of the Government. The gentleman from Ohio need not wave his hands and say there is nothing to authorize this. The Secretary of the Treasury, as I have said, has recommended the appropriation. The Indian Department has the vouchers on file and payment ought to be made, for the Government has received ample consideration. These vouchers are held by poor people for small amounts for goods which they have supplied. No one appears here to urge their claims upon this floor save a humble Delegate who, with a voteless voice, appeals to the House in their behalf that simple justice be done them.

The action of the committee in refusing to allow these deficiencies is in effect a repudiation of the just debts of the Government, and the House should be tardy in committing the country to this outrage, which cannot be justified on any theory.

It is said the Department exceeded the appropriation. This may be the case; but I submit if it is just for the Government, through

its highest officer, the Secretary of the Interior, to purchase supplies from the people of the frontier, use the same in the interest of the public service, and then refuse payment because the appropriation may not have been sufficient. An officer armed with the commission of the Government is entitled to the confidence of the people; and they have a right to believe that his acts will be respected.

The committee divided; and there were—ayes 18, noes 74.

Mr. ELKINS demanded tellers.

Tellers were ordered; and Mr. GARFIELD and Mr. ELKINS were appointed.

The committee again divided; and the tellers reported—ayes 50, noes 99.

So the amendment was rejected.

The Clerk read as follows:

To pay claims of officers and enlisted men of the volunteer service, or their heirs and assigns, for arrears of pay that may be certified to be due them by the accounting officers of the Treasury Department, being for the service of the fiscal year 1871 and prior years, $597,428.40.

Mr. GARFIELD. I move after the word "pay," in line 65, to insert "or balance."

The amendment was agreed to.

Mr. GARFIELD. I desire to make a statement and a request. All from page 26 forward to the end of the section on the thirty-third page is simply to authorize the continuation of old matters and there is no new appropriation out of the Treasury in any of them. I desire to make a verbal correction on the thirty-third page, and then I will ask the committee to dispense with the reading of the rest of that section.

To make that correction I offer the following amendment:

In line 234 strike out "$10,000;" and insert "$20,000;" so the paragraph will read:
For payment of unsettled claims now pending before the Department for defraying expenses of United States courts, being for the service of the fiscal year 1871 and prior years, $20,000.

The following letter from the Treasury Department explains the necessity of this amendment:

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE.
Washington, D. C., March 3, 1875.

SIR: In December last I requested the Secretary of the Treasury to apply for a reappropriation of $10,000 to defray expenses of pending claims against the judiciary fund, which accrued prior to July 1, 1871. Since then additional claims have come in, and I have now to request that you will please change the amount from $10,000 to $20,000. If there be a surplus it will of course be covered to the credit of the surplus fund.

Among the claims presented is one amounting to $1,300 from Francis L. Dalton, late United States marshal for the eastern district of New York. It has not yet been examined.

Very respectfully,

WM. HEMPHILL JONES,
Acting Comptroller.

Hon. JAMES A. GARFIELD,
House of Representatives.

The amendment was agreed to; and by unanimous consent the reading of the bill from page 26 to page 33 was dispensed with.

Here the committee informally rose.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 420) to amend an act entitled "An act for the restoration to homestead entry and to market of certain lands in Michigan," approved June 10, 1872, and for other purposes.

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

An act (H. R. No. 4861) granting a pension to Louis Heinley;

An act (H. R. No. 4857) extending the privilege of the Library of Congress to the Regents of the Smithsonian Institution;

An act (H. R. No. 4820) authorizing the Wisconsin Central Railroad Company to straighten the line of their road;

An act (H. R. No. 4840) for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876, and for other purposes; and

An act (H. R. No. 4850) authorizing the appointment of gaugers for the customs service at the port of Philadelphia.

DEFICIENCY APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. KELLOGG. I desire to offer an additional section, to be inserted on page 33, what I send to the desk. I understand that this is offered with the sanction of the Committee on Appropriations.

The Clerk read as follows:

SEC. —. The Secretary of the Treasury is hereby authorized and directed to pay the sum of $19,200 in gold, or its equivalent in legal tender notes, in pursuance of a judgment in favor of Edward Mesnard against the brigantine Scylla, her tackle, apparel, and cargo, (No. 7903,) rendered on the 11th day of May, A. D. 1866, in the United States district court for the eastern district of Louisiana, for the restoration of the said brigantine Scylla, her tackle, apparel, and cargo, and $13,200 in gold; of which said judgment Charles W. Adams, of New York, is the assignee and owner, and also, the sum of $6,000 in gold, taken from said Adams: *Provided*, That before such payment shall be made the said assignee shall deliver to the Secretary of the Treasury a full discharge of said judgment for said gold, in duplicate, and also a receipt in full for the sum of $6,000 in gold, delivered by him to Captain John L. Routt, assistant quartermaster United States Army, on or about the 30th day of January, A. D. 1864.

Mr. LAWRENCE. I make the point of order on that amendment.

Mr. KELLOGG. This money has been in the Treasury since 1864.

Mr. LAWRENCE. It has been subjected to an investigation by the Committee on War Claims.

The CHAIRMAN. The Chair sustains the point of order.

Mr. KELLOGG. It is a violation of all decency to keep this man's money.

The Clerk resumed and completed the reading of the bill.

Mr. MACDOUGALL. I offer the amendment which I send to the desk.

Mr. NIBLACK. I got leave of the House to offer an additional section.

The CHAIRMAN. The Chair will recognize the gentleman from Indiana in a moment.

Mr. MACDOUGALL. I offer the following amendment.

The Clerk read as follows:

Insert as an additional section the following:
To enable the Department of Justice to settle with and pay to John G. Hosmer, late sheriff of Cayuga County, New York, the disbursements and rewards paid in the capture of the notorious counterfeiter Thomas Ballard, $338.

The amendment was agreed to.

Mr. BUTLER, of Massachusetts. I offer the following amendment.

The Clerk read as follows:

Insert as an additional section the following:
The commissioners of the District of Columbia shall pay the salary of the surveyor of the District, at the rate of $2,000 per year from the 20th of June, 1874, and $5,000, or so much thereof as may be necessary, is hereby appropriated therefor.

Mr. SPEER. Is that authorized by law? If not, I raise the point of order.

Mr. BUTLER, of Massachusetts. It is a deficiency.

Mr. GARFIELD. Does it not increase the salary?

Mr. BUTLER, of Massachusetts. Not at all.

Mr. SPEER. Does not existing law provide for this compensation?

Mr. BUTLER, of Massachusetts. If the gentleman will hear the letter of the District engineer read, I think he will not object.

Mr. SPEER. I will hear the letter, reserving my point of order.

The Clerk read as follows:

ENGINEER'S OFFICE, DISTRICT OF COLUMBIA,
Washington, January 18, 1875.

GENTLEMEN: I have the honor to return herewith communications of Hon. N. P. CHIPMAN and William Forsyth relative to the restoration of the salary of the surveyor of the District.

The present organization of the surveyor's office is adequate to the performance of the duties of the same. The entire force of the office is paid by the District government with the exception of the surveyor himself, who receives no salary. It would be difficult to organize this office in such a manner as to separate the work done for the benefit of the general public, and for which fees are receivable, from that which is constantly demanded by the District government, and for that reason the commissioners have maintained the entire office force.

It seems to me an exceptional economy that limits the compensation of the surveyor to his fees and the incidental benefit of the use of this office force.

I recommend he be recognized as a District officer, inasmuch as he acts in that capacity, and is subject to the orders of the engineer by direction of the commissioners, and that his original salary be allowed him less 20 per cent., the reduction ordered by Congress in the case of other officers and employés.

He should be required to make periodical returns of all fees collected by him, and on what account. These returns can be made the basis of any future modification of his salary.

Very respectfully, your obedient servant,

R. L. HOXIE,
Lieutenant Engineers, U. S. A., and Engineer of District of Columbia.

Hon. COMMISSIONERS DISTRICT OF COLUMBIA.

Mr. SPEER. I wish to ask whether the compensation provided by this amendment is the same previously paid by the District for the same service?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. SPEER. Then I withdraw my point of order.

The amendment was agreed to.

Mr. KASSON. I desire to offer the following amendment. It does not contain any appropriation, but provides for an adjustment of accounts. I offer it as an additional section:

SEC. —. That the proper accounting officers of the Treasury are hereby authorized in the settlement of the accounts of John L. Smith, late Indian agent for the Ottawas, now deceased, to consider and adjust the same on the best evidence accessible to them, allowing such credits as may seem just and equitable with the approval of the Secretary of the Interior.

The amendment was agreed to.

Mr. YOUNG, of Georgia. I offer the following as additional sections:

SEC. —. That the Military Academy band shall consist of one teacher of music, who shall be leader of the band, and may be a civilian, and of forty enlisted musicians of the band.

SEC. —. That the teacher of music shall receive ninety dollars per month, one ration, and the allowance of fuel of a second lieutenant of the Army; and that of the enlisted musicians of the band ten shall each be paid thirty-four dollars per month, and the remaining thirty shall each be paid thirty dollars per month; and that the enlisted musicians of the band shall have the benefits as to pay arising from re-enlistments and length of service applicable to other enlisted men of the Army.

Mr. HOLMAN. I call for a division on that amendment.

The question was put; and on a division there were—ayes 75, noes 39.

Mr. HOLMAN. Is that a quorum?

The CHAIRMAN. It is not a quorum; does the gentleman insist on a further count?

Mr. HOLMAN. I think we should not pass an amendment like this increasing the pay of officers without a quorum; but in view of the action of the Committee of the Whole heretofore, I will not insist on a further count.

So the amendment was agreed to.

Mr. FORT. I offer the following amendment to come in after line 87 on page 27:

For pay of superintendent of the building occupied by the Subsistence Department, at No. 17 Madison Place, Washington City, District of Columbia, $250.

The amendment was agreed to.

Mr. NIBLACK. I offer the following amendment, which I was authorized to offer under a suspension of the rules:

SEC. —. That John T. Ensor, Zephaniah Poteet, and the other sureties of David L. Stanton, late collector of internal revenue for the fifth district of Maryland, by bond to the United States dated April 24, 1869, be, and they are hereby, released from their said liability arising from any defalcation of the said David L. Stanton as such collector; and the proper officer of the Treasury Department be, and he is hereby, authorized and directed to dismiss any and all suits that may have been instituted and are now pending in favor of the United States against the sureties aforesaid growing out of the default of the said collector.

I wish to say that this amendment has been considered by the Committee on Ways and Means, and they found it a case of merit, and that there is an urgency for its passage now.

The amendment was agreed to.

Mr. MYERS. I have an amendment to offer from the Committee on Naval Affairs which is of the same nature as the one which has been offered by the Committee on Military Affairs. It does not add one dollar of expense; it only gives the man rank who now holds a position. It is as follows:

SEC. —. And that one additional professor of mathematics for the Navy be authorized to be appointed by the President, by and with consent of the Senate.

Mr. SAYLER, of Indiana. I make the point of order on that.

The CHAIRMAN. The Chair sustains the point of order.

Mr. RAINEY. I offer the following amendment:

SEC.—. And to pay the claim of Walter D. Plowden, for services to the Government during the war, as scout and spy, under Generals Hunter and Saxton, in South Carolina, in 1863, 1864, 1865, $4,000.

Mr. SPEER. Has that amendment been made in order? If not, I raise the question of order upon it.

The CHAIRMAN. The Chair rules the amendment out of order.

Mr. DAWES. I ask unanimous consent to offer an amendment which changes existing law. I have just received a telegram from the Commissioner of Internal Revenue that the change in the tax bill in the tax on whisky from 70 to 90 cents a gallon makes it necessary to change one of the sections of the Revised Statutes. I ask the Clerk to read the amendment and then I will have read the telegram from the Commissioner.

The Clerk read as follows:

SEC. —. That section 3309 of the Revised Statutes be so amended that the word "seventy," whenever it occurs in the same, shall be stricken out and the word "ninety" substituted therefor.

Mr. DAWES. That is a section in reference to capacity of still. The telegram of the Commissioner to me is in these words:

TREASURY DEPARTMENT. 3.

Hon. H. L. DAWES:

Could you add an amendment as follows to some bill:

That the word "seventy," wherever it occurs in section 3309 of the Revised Statutes, be changed to "ninety."

This may be of great importance to the Government interest in view of the new tax bill.

J. W. DOUGLASS.

The amendment was agreed to.

Mr. GARFIELD. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and, Mr. NIBLACK having taken the chair as Speaker *pro tempore*, Mr. HAZELTON, of Wisconsin, reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the special order, being the bill (H. R. No. 4840) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1875, and prior years, and for other purposes, and had come to no resolution thereon.

Mr. GARFIELD. I now move that the rules be so suspended that the Committee of the Whole be discharged from the further consideration of the deficiency appropriation bill, and that the same be reported to the House with the amendments made by the Committee of the Whole, and ordered to be engrossed, read a third time, and passed with those amendments.

Mr. SPEER. Will that prevent a separate vote on the amendments?

Mr. GARFIELD. It will; but I cannot get it out of committee in any other way without having it piled up with amendments.

Mr. HOLMAN. The effect of that motion is to cut off all separate votes on the amendments.

Mr. CESSNA. Yes; it is.

Mr. GARFIELD. So many amendments are pending to the bill that it is perfectly manifest it will be buried under the weight of amendments unless it is got out of committee in some way. We have gone over all the paragraphs of the bill in Committee of the Whole. It is now too late to delay final and positive action on the bill; it must be sent to the Senate. It will save not only time, but the public money, to adopt the motion which I now submit, that the rules be suspended, the Committee of the Whole discharged from the further consideration of the bill, and the bill passed as amended in Committee of the Whole.

Mr. HOLMAN. Cannot the gentleman from Ohio [Mr. GARFIELD] so modify his motion as to discharge the Committee of the Whole from the further consideration of this bill and have it reported to the House for action? There are not a great many amendments upon which separate votes will be asked.

Mr. GARFIELD. I cannot do that.

The motion to suspend the rules was seconded upon a division—ayes 129, noes 25.

The question was then taken upon suspending the rules; and upon a division there were—ayes 123, noes 27.

Before the result of the vote was announced,

Mr. HOLMAN said: Did a quorum vote?

The SPEAKER *pro tempore*. A quorum voted.

Mr. HOLMAN. I call for the yeas and nays on this most extraordinary motion.

The yeas and nays were not ordered; there being but twenty in the affirmative, not one-fifth of the last vote.

So (two-thirds voting in favor thereof) the rules were suspended and the bill passed with the amendments made in Committee of the Whole.

Mr. GARFIELD. I move that the House order the printing of this bill forthwith as passed.

The motion was agreed to.

THANKS TO THE SPEAKER.

Mr. POTTER. I submit the following resolution:

Resolved, That the thanks of this House are due, and are hereby tendered, to Hon. JAMES G. BLAINE, Speaker of the House of Representatives, for the impartiality, efficiency, and distinguished ability with which he has discharged the trying and arduous duties of his office during the Forty-third Congress.

Mr. BECK. I second that resolution.

The resolution was adopted unanimously.

COLORADO AND NEW MEXICO.

Mr. HOSKINS. I offer the following resolution:

Resolved, That the rules be suspended for the purpose of going to the Speaker's table and concurring in the Senate amendments to House bill No. 435, to enable the people of Colorado Territory to form a State government, and House bill No. 2418, to enable the people of New Mexico to form a State government.

Mr. HARRISON. I rise to a question of the highest privilege. I desire the House to take up a resolution reported from the Committee on Elections to seat a contestant.

The SPEAKER *pro tempore*. There is a motion now pending to suspend the rules.

Mr. HARRISON. I have not been willing to antagonize the appropriation bills; but as the last appropriation bill has been passed, I now ask the House to take up the resolution in the case of Sheridan *vs.* Pinchback. It will not require more than fifteen minutes to dispose of it.

The SPEAKER *pro tempore*. The motion to suspend the rules takes precedence. The question is on the motion to suspend the rules for the purpose indicated by the gentleman from New York, [Mr. HOSKINS.]

The motion to suspend the rules was seconded, there being upon a division—ayes 110, noes 66.

The question was upon suspending the rules.

Mr. HOLMAN and Mr. BECK called for the yeas and nays.

The yeas and nays were ordered, there being 50 in the affirmative.

Mr. BECK. Can there be a division of the resolution, so that we can vote upon each Territory separately?

The SPEAKER. The motion is to suspend the rules for the purpose indicated, and it cannot be divided.

Mr. G. F. HOAR. The resolution is to go to the Speaker's table for the purpose of concurring in the amendments of the Senate. Can we go to the Speaker's table and concur?

The SPEAKER. If the resolution is adopted it passes the bills.

Mr. MERRIAM. I rise to a question of order. Is this proposition so framed that we must by one vote decide upon the admission of both these Territories?

The SPEAKER. That is the form of the proposition.

Mr. SCOFIELD. The amendments of the Senate have not been read.

The SPEAKER. That is really not required, because this is a motion to suspend the rules. That motion is very sweeping. The Chair will state, however, that the effect of the amendment is to change the date of admission.

Mr. MCKEE. The only change is a postponement of the admission of these States till 1877.

The question was taken; and there were—yeas 164, nays 84, not voting 39, as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Berry, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Benjamin F. Butler, Roderick R. Butler, Cannon, Carpenter, Cason, Caulfield, Cessna, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Creamer, Crounse, Crutchfield, Curtis, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Eden, Farwell, Field, Fort, Foster, Freeman, Garfield, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison,

Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hyde, Hynes, Kasson, Kellogg, Knapp, Lamison, Lansing, Lawrence, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Mitchell, Monroe, Moore, Morey, Morrison, Myers, Negley, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, Thomas C. Platt, Poland, Rainey, Ransier, Rapier, Ray, Richmond, James C. Robinson, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Sloss, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Strawbridge, Sypher, Christopher Y. Thomas, Todd, Townsend, Tremain, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Whiteley, George Willard, Charles G. Williams, John M. S. Williams William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—164.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Chittenden, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crittenden, Crooke, Crossland, Durham, Eldredge, Finck, Giddings, Glover, Hamilton, Hancock, Henry R. Harris, Hatcher, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Holman, Hunton, Killinger, Lamar, Lawson, Leach, Magee, McLean, Merriam, Milliken, Mills, Neal, Niblack, O'Brien, Hosea W. Parker, Perry, Pierce, Potter, Randall, Read, Robbins, Ellis H. Roberts, William R. Roberts, Ross, Schell, Scofield, Sener, John Q. Smith, Southard, Speer, Standiford, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Willie, Ephraim K. Wilson, John D. Young, and Pierce M. B. Young—84.

NOT VOTING—Messrs. Burrows, Cain, Freeman Clarke, Davis, DeWitt, Frye, Gunter, Eugene Hale, Robert S. Hale, John T. Harris, Hendee, Hurlbut, Kelley, Kendall, Lamport, Luttrell, Marshall, Nesmith, Niles, Phelps, Pike, James H. Platt, jr., Pratt, Milton Sayler, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, William A. Smith, Alexander H. Stephens, Taylor, Charles R. Thomas, Thompson, Thornburgh, Tyner, Wheeler, White, Wilber, Wolfe, and Wood—39.

So (two-thirds not voting in favor thereof) the motion of Mr. HOSKINS was not agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1876, and for other purposes.

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. No. 1230) to authorize the construction of a ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa.

ORDER OF BUSINESS.

Mr. KASSON. I wish to call up the report of the Committee on Ways and Means on the Pacific Mail investigation.

Mr. RANDALL. I move that the House take a recess until eight o'clock.

Mr. BUTLER, of Massachusetts. I hope the motion of the gentleman from Pennsylvania [Mr. RANDALL] will be modified by inserting half past seven instead of eight o'clock.

Mr. GARFIELD. I wish to say a word about the time for meeting this evening. There is an unusual pressure upon the clerks in engrossing or enrolling bills that have been already acted upon; and it is almost impossible for them to keep up with the current business. I hope we shall take a recess until eight o'clock.

The motion of Mr. RANDALL was agreed to; and accordingly (at five o'clock p. m.) the House took a recess until eight o'clock p. m.

AFTER THE RECESS.

The SPEAKER. The recess having expired the House will come to order. The House adjourned with the gentleman from Iowa [Mr. KASSON] on the floor asking for action to be taken on the resolutions reported from the Committee on Ways and Means in reference to the Pacific Mail subsidy.

Mr. HARRISON. I wish to raise a question of privilege, or rather a question of consideration, on the report from the Committee on Elections in reference to the contest between Sheridan and Pinchback, candidates for the State at large in the State of Louisiana. That report has been before the House and is of the highest privilege known to the House. I move now to take the resolutions reported from the Committee on Elections for action at this time.

Mr. KASSON. I was on the floor, to move to suspend the rules and I do not think I can be taken off the floor in that way.

The SPEAKER. The motion of the gentleman from Iowa [Mr. KASSON] is not of so high a privilege as that of the gentleman from Tennessee, [Mr. HARRISON.]

Mr. KASSON. I am aware the gentleman from Tennessee has waived it before for other things. What I ask to be taken up and acted on at this time will not give rise to any debate, and it ought to be disposed of at once.

Mr. HARRISON. If it be understood that I can have the floor afterward, and what the gentleman desires to call up will give rise to no debate, I do not know that I shall object.

INDIAN APPROPRIATION BILL.

Mr. LOUGHRIDGE. I rise to a still higher question of privilege, to submit the report of the committee of conference on the Indian appropriation bill.

The SPEAKER. The gentleman from Iowa [Mr. LOUGHRIDGE] rises to a question of the highest privilege, and the Clerk will read the report of the conference committee.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on House bill No. 5821, making appropriations for the current and contingent expenses of the Indian service for the fiscal year ending June 30, 1876, and for other purposes, having met, after full and free conference, have agreed to recommend, and do recommend to their respective Houses, as follows:

That the Senate recede from its amendments numbered 26, 31, 32, 33, 34, 57, 58, and 59.

That the House recede from its disagreement to the amendments of the Senate numbered 27, 35, 49, 51, and 54.

That the House recede from its disagreement to the amendment numbered 25, and agree to the same with an amendment as follows: Strike out the words "seventy-five" and insert in lieu thereof the word "fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 28, and agree to the same with an amendment as follows: Strike out the words proposed to be inserted and insert in lieu thereof the word "for," and after the following words "one hundred" insert the word "fifty;" so it will read "four hundred and fifty thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 34, and agree to the same with an amendment as follows: Strike out the word "thirty" and insert in lieu thereof "fifteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows: "Strike out the word 'twenty' and insert in lieu thereof the word 'ten,' and at the end of said amendment insert the words 'which shall be available at once.'"

That the House recede from its disagreement to the amendment numbered 52, and agree to the same with an amendment, as follows; "Strike out the last word of said amendment, and insert in lieu thereof the words 'reduced to one thousand acres, to be selected by the Secretary of the Interior, and in such manner as not to include the claim of any settler or minor;'" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 53, and agree to the same with an amendment, as follows: "In lieu of the word 'fifty' insert the word 'forty-five;'" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 63, and agree to the same with an amendment as follows: "Strike out the entire paragraph;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendments of the House to the thirty-ninth amendment of the Senate; and agree to the same.

That the Senate recede from its disagreement to the forty-first and forty-fourth amendments of the House; and agree to the same.

That the House recede from its disagreement to the amendment numbered 64, and agree to the same with an amendment as follows: "At the end of said amendment add the following: 'And the United States assistant treasurer at Saint Louis, Missouri, be, and he hereby is, authorized to open and keep accounts with the duly-constituted treasurer of the Cherokee, Creek, Choctaw, and Chickasaw Nations of Indians, the same as with Government agents and disbursing officers;'" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the Senate numbered 80; and agree to the same; so that it shall read "$1,000."

That the House recede from its disagreement to the amendment numbered 80; and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 84; and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 65; and agree to the same.

WILLIAM WINDOM,
WILLIAM B. ALLISON,
J. W. STEVENSON,
Managers on the part of the Senate.

WILLIAM LOUGHRIDGE,
J. C. PARKER,
JOHN HANCOCK,
Managers on the part of the House.

Mr. LOUGHRIDGE. I move the previous question on the adoption of the report of the committee of conference.

The previous question was seconded and the main question ordered; and under the operation thereof the conference report was agreed to.

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

The latter motion was agreed to.

ENROLLED BILL.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (S. No. 523) to remove the political disabilities of Thomas M. Jones, of Virginia; when the Speaker signed the same.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that body had passed without amendment the bill (H. R. No. 4680) to further protect the sinking fund and provide for the exigencies of the Government.

The message further announced that the Senate further insisted on its amendments to the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, disagreed to by the House, and disagreed to the amendments of the House to the amendments of the Senate thereto, agreed to the conference asked for by the House, and had appointed as managers of said conference on its part Mr. EDMUNDS, Mr. INGALLS, and Mr. THURMAN.

The message further announced that the Senate had passed a resolution authorizing the Committee on Enrolled Bills to correct the title of the bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States and granting to railroads the right of way through the public lands, so that the title will read, "An act granting to railroads the right of way through the public lands of the United States."

PACIFIC MAIL SUBSIDY.

The SPEAKER. The gentleman from Iowa [Mr. KASSON] desires the attention of the House to a report from the Committee on Ways and Means on the subject of the Pacific Mail subsidy.

Mr. KASSON. I merely desire to have the resolutions reported by the committee read, to be acted on without debate and probably without a division.

Mr. HARRISON. Has the Speaker decided that I cannot call up the resolutions of the Committee on Elections in the Louisiana election case?

The SPEAKER. Does the gentleman from Tennessee insist on obtaining the floor before the report of the Committee on Ways and Means is acted on?

Mr. HARRISON. If it is understood that the resolutions from the Committee on Elections shall be taken up after the other matter is disposed of, I shall give way.

Mr. CROOKE. Is it in order to object to the gentleman from Iowa making the report from the Committee on Ways and Means? If it is, I object.

The SPEAKER. It will require the suspension of the rules.

Mr. DAWES. I hope the gentleman from New York [Mr. CROOKE] will not object to that report.

Mr. CROOKE. I must disappoint any such hope. I must and do object.

Mr. KASSON. I renew, then, the motion that I made before the adjournment, to suspend the rules and pass the resolutions which I report from the Committee on Ways and Means.

The SPEAKER. The Clerk will read the resolutions.

The Clerk read as follows:

Resolved, That a copy of the testimony taken before the Committee on Ways and Means upon the question of a corrupt use of money to procure the passage of an act providing for an additional subsidy for the China mail service be delivered to the Clerk of the House of Representatives, to be by him laid before the House at the first session of the Forty-fourth Congress, to the end that they may make further inquiry and take due action upon the questions affecting William S. King and JOHN G. SCHUMAKER, and further proceed thereon as they shall deem just.

Resolved, That the Clerk of this House transmit to the United States district attorney for the District of Columbia a copy of the evidence taken before the Committee on Ways and Means upon the question of a corrupt use of money to procure the passage of an act providing for an additional subsidy for the China mail service, with direction to lay so much of the same as relates to the truth of the testimony given by William S. King and JOHN G. SCHUMAKER before the grand jury of said District for such action as the law seems to require.

Resolved, That any reporter or correspondent having a seat in the gallery by permission of the Speaker, who has received any fee, bribe, or reward in connection with any legislation pending in either House of Congress, should be deprived of such privilege; and such conduct as disclosed before the Committee on Ways and Means is severely censured by the House.

Mr. CROOKE. I am asked what is my objection to the report? My objection is that it is an outrage on law and common sense to send that to the grand jury as evidence which is no evidence at all.

The motion to suspend the rules was seconded.

The question being taken on suspending the rules and adopting the resolution, there were—ayes 92, noes 13; no quorum voting.

Tellers were ordered; and Mr. KASSON and Mr. CROOKE were appointed.

Before the vote by tellers was completed—

Mr. CROOKE said: I do not insist on further count.

So the rules were suspended (two-thirds having voted in favor thereof) and the resolutions were adopted.

Mr. KASSON. There is another part of the report on which I shall ask the action of the House, after the business reported by the gentleman from Tennessee [Mr. HARRISON] is disposed of.

CURRENCY.

Mr. MAYNARD, by unanimous consent, from the Committee on Banking and Currency, reported adversely on the following bills; and the same were laid on the table and the accompanying reports ordered to be printed.

The bill (H. R. No. 3834) to substitute United States notes for the issues of national banking associations; and

The bill (H. R. No. 4377) to provide for the retirement of the national-bank notes and the substitution in lieu thereof of Treasury notes and the reduction of the interest on the public debt.

REPORTS OF COMMITTEES.

Mr. TREMAIN. I ask unanimous consent to submit the following resolution, which is according to precedent:

Resolved, That the committees of this House who have reports in readiness upon matters referred to them be permitted to deliver such reports to the Clerk of the House, and that they be printed: *Provided*, Such reports are filed with the Clerk before the expiration of this Congress.

The resolution was agreed to.

Mr. DONNAN. I ask that by unanimous consent Senate bill No. 1230 be taken from the Speaker's table and passed.

LOUISIANA ELECTION—STATE AT LARGE.

Mr. HARRISON. I decline to yield further. I ask the Clerk to read the resolution reported by the Committee on Elections.

The Clerk read as follows:

Resolved, That P. B. S. Pinchback was not elected a member of Congress from Louisiana from the State at large in the Forty-third Congress.

Resolved, That George A. Sheridan was duly elected a member of Congress for the State at large from the State of Louisiana, in the Forty-third Congress, and is entitled to his seat.

Mr. HARRISON. I move the previous question.

The previous question was seconded and the main question ordered.

The first resolution reported by the committee was agreed to.

Mr. HARRISON moved to reconsider the vote by which the resolution was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The question was next on agreeing to the second resolution; and was decided in the affirmative—ayes 121, noes 29.

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

The latter motion was agreed to.

Mr. GEORGE A. SHERIDAN appeared at the bar of the House and qualified by taking the oath prescribed by the law of July 11, 1862.

LOUISIANA ELECTION—LAWRENCE VS. SYPHER.

Mr. ROBINSON, of Ohio. I call up the resolutions reported by the Committee on Elections in the contested-election case of Lawrence *vs.* Sypher, first congressional district of Louisiana.

Mr. DAWES. I desire to present a privileged report.

The SPEAKER. There is one now pending of the highest privilege. The Clerk will read the resolutions reported by the gentleman from Ohio, [Mr. ROBINSON.]

The Clerk read as follows:

Resolved, That J. Hale Sypher was not elected a member of the Forty-third Congress from the first district of Louisiana.

Resolved, That Effingham Lawrence was duly elected a member of the Forty-third Congress for the first district of Louisiana, and he is entitled to his seat.

Mr. HAZELTON, of Wisconsin. I move as a substitute for those two resolutions the resolution reported by the minority of the committee, to be found upon page 15 of the report, and which I ask the Clerk to read.

The SPEAKER. The question is all contained in these resolutions.

Mr. HAZELTON, of Wisconsin. Not necessarily; I ask the Clerk to read the resolution.

The Clerk read as follows:

Resolved, That neither Effingham Lawrence nor J. Hale Sypher has shown himself entitled to a seat in the Forty-third Congress.

Mr. ELDREDGE. I suppose there must have been a tie in that district.

Mr. ROBINSON, of Ohio. I do not understand that there is any desire to discuss this question. I desire to call the previous question upon the resolution.

Mr. SYPHER. I desire to be heard for a few moments on this question.

Mr. ROBINSON, of Ohio. I will give the gentleman five minutes after the previous question is seconded.

The previous question was seconded and the main question ordered.

Mr. ROBINSON, of Ohio. I now yield to the gentleman from Louisiana, [Mr. SYPHER.]

Mr. SYPHER. Mr. Speaker, the House is in no temper to give attention to a contested-election case at this time. Only fifteen hours of this Congress remain, while many important public measures are yet to be considered. I would not crave your attention for a single moment were it not for the remarkable presentation of this case by your Committee on Elections. This committee has utterly failed, either for the want of time or the proper examination of the case, to present it in the light of the testimony. They have entirely ignored the proofs, and submitted reports full of errors and misstatements. The report of the committee supported by six members proves nothing, and the views of the minority signed by five members is absurd and ridiculous. A congressional district with twenty-five thousand legal voters, over twenty thousand of whom voted at an election for two candidates, and nobody elected. How can such a thing be possible? That is what the minority report, that neither party is entitled to a seat. A most remarkable conclusion. Somebody must have been elected unless it was a tie vote, and the minority do not so report. May I inquire of the gentlemen of the minority, if 20,000 votes elect nobody, how many votes are required to elect somebody? If they will give the solution to this problem, I have no doubt of the ability of my constituents to furnish the number of votes required to elect somebody in their opinion. I apprehend the gentlemen of the minority have presented a case *reductio ad absurdum*. Let this House pause before it establishes any such precedent.

Now, sir, I invite your attention to the majority report. It speaks of five returning boards claiming the right to canvass the returns. There could be only one legal returning board authorized by law to canvass election returns, and by twelve decisions of the supreme court of Louisiana it was determined which was the legal board. It was from that board that I held my credentials. But they say affidavits were counted as votes. Admitting it and allowing the number they claim, 1,314—but the testimony shows that less than 300 were counted—they cannot elect my opponent unless they ignore and reject the testimony that proves over 3,000 frauds in New Orleans.

Read the following testimony, and then let any man in the House answer how the contestant can be entitled to a seat here.

Mr. Long testifies, (pages 194–195:)

Question. Now, please state how many fraudulent votes were counted in the fourth ward.

Answer. According to memorandum made at the time, in the fourth ward there were 186.

Q. For what candidate for Congress in the first congressional district were those votes counted?
A. For Mr. Effingham Lawrence.
[Mr. Rice objected to this testimony, on the ground that the contestant had received no notice of such proof.]
Q. How many fraudulent votes were counted in the fifth ward, Mr. Long?
A. According to my memorandum, 155.
[Mr. Rice objected on the ground that the question assumed that there were fraudulent votes cast in these various wards before proof was adduced of that fact.]
Q. Were there any fraudulent votes cast in the fifth ward, Mr. Long?
A. There were, to my knowledge.
Q. How many?
A. A hundred and fifty-five.
Q. For whom were those fraudulent votes counted?
A. They were counted for the ticket headed by John McEnery and the straight ticket.
Q. For what candidate for Congress in the first congressional district?
A. For Mr. Lawrence.
Q. Were there any fraudulent votes counted in the sixth ward?
A. There were.
Q. How many?
A. At one poll 127 and at another poll 209.
Q. In all, how many?
A. In all, 336.
Q. Were there any fraudulent votes counted in the seventh ward?
A. There were.
Q. How many?
A. The number I don't remember. I made no note of it at the time.
Q. Were there any counted in the eighth ward?
A. There were.
Q. How many?
A. Three hundred and ninety-three.
Q. For what candidate for Congress were they counted?
A. The candidate that was on the ticket headed by John McEnery for governor.
Q. Did Mr. Sypher run on that ticket?
A. I don't think he did. I am sure he did not. I never saw him on the ticket.
Q. Were there any counted in the ninth ward?
A. There were.
Q. How many?
A. Two hundred and twenty-four.
Q. For whom were they counted for Congress?
A. For the person who ran on the same ticket as John McEnery.
Q. You testified with reference to certain polls being designated by the campaign committee of the fusion party, at which these fraudulent certificates should be voted upon. I want to ask you now in what political interest this combination was made and carried out?
A. In the interest of the ticket headed by Mr. McEnery, and on which Mr. Lawrence's name appeared in the first congressional district, as I understood it.
Q. Who designated to the registrar of voters for appointment the election commissioners in that portion of the parish of Orleans within the first congressional district.
A. The fusion campaign committee, of which Mr. Walker was chairman.
Q. Were there any republicans appointed as commissioners of election in those wards?
A. Some men that call themselves republicans now, but they did not call themselves so at the time.
Q. Were there any appointed who were then in sympathy with the republican party, as represented by the ticket headed by Mr. Kellogg?
A. Not one out of over three hundred, to my knowledge. I don't believe there was one in the city.

Mr. Downs testifies, (pages 235, 236, 237:)

Question. How many names of colored registered voters were improperly stricken from the rolls in the fourth ward?
Answer. I have the figures here that I made out myself some time ago.
Q. You can use them in refreshing your memory now in answering my question.
A. Three hundred and nine in the fourth ward were stricken from the rolls in that manner.
Q. Do you know whether any fraudulent duplicate certificates were issued?
[Mr. Rice objected to the question as leading.]
Q. Do you know whether any such thing was ever done or not for the first congressional district?
A. I do.
Q. Do you know whether any were issued in the wards within the first congressional district of this city?
[Objected to as leading.]
A. I do.
Q. State succinctly the manner in which such fraudulent or duplicate certificates were issued.
A. I can state how they were obtained. I decline to state how they were issued.
Q. State how they were obtained.
A. They were obtained by persons moving from one ward to another. According to the requirements of the registrars, each of these persons moving from one ward to another were to give up their original certificate and get a new one. These original certificates were sent to the *central office of the State registrar of voters.* Some of them were canceled, but many of them were reissued in this manner to be voted upon again.
Q. How many of such certificates were issued?
A. I should judge about three thousand of them.
Q. Can you approximate the number that was issued for the fourth, fifth, sixth, seventh, eighth, and ninth wards?
A. I should think there was about one thousand or twelve hundred used in those wards.
Q. To whom were those certificates given?
A. I decline to answer that question.
Q. Were they issued to republicans, or democrats, or fusionists?
A. They were issued to parties that I presume were in the fusion interest. I had no reason to doubt that they were.
Q. Were any issued to candidates on the fusion ticket, as far as you know?
A. Yes, sir.
Q. Did you assist in the counting of the votes?
A. I did.
Q. Could you tell, from comparing the number of votes and the number of registered voters and the names upon the registration lists that were known to be represented by such fraudulent certificates, whether such fraudulent certificates were used or not?
A. I could.
Q. Did you make any such inspection?
A. I did.

Mr. Cannon testifies, (pages 243, 244, 245:)

Question. Do you know whether any frauds were committed in connection with the registration in the ninth ward?
Answer. There was.
Q. Of what nature?
A. Fraudulent papers, fraudulent voting, fraudulent papers that I know of.
Q. State the circumstances.
A. Well, I know of about eleven hundred fraudulent papers; there were about between three and four hundred fraudulent papers on the old books, that I had possession of, and I had possession of about one hundred on the new books, and I duplicated them, eight for each vote; for each vote I made eight certificates out.
Q. From the old registration?
A. No, sir, from the new registration.
Q. You say there were a hundred names?
A. Yes, sir.
Q. And eight certificates for each, which made eight hundred?
A. Yes, sir.
Q. To whom were they given?
A. I decline to answer who they were given to.
Q. Do you know whether they were voted on election day?
A. I have reason to believe that they were.
Q. In the interest of what political party?
A. The fusion party; they were, most undoubtedly, not given to the republican party.
Q. Do you know whether they were voted for or against Mr. Sypher?
A. They were put there to vote against him; they were instructed to vote against the State republican ticket.
Q. Do you know whether there were any erasures improperly made?
A. I made the erasures myself.
[Mr. Rice objected on the ground that the question was leading.]
Q. Do you know whether there were any names erased from the registration lists?
[Mr. Rice objected on the same ground.]
A. Yes, sir; I made the erasures myself.
Q. Were they properly or improperly made?
A. Well, I just scratched only the colored people, and those that I knew to be republicans.
Q. Were you instructed to do so?
A. I had my instructions from Mr. Blanchard to scratch none but colored people, or if I knew any of the names in the interest of the republican ticket to scratch them off.
Q. How many did you scratch off?
A. Between a hundred and eighty-five and two hundred. I disremember the exact amount or number now.
Q. Were you present in the Mechanics' Institute during the counting of the votes of the ninth ward?
A. Yes, sir; from the beginning to the end of it.
Q. Do you know whether the count was fair or unfair?
A. There were some parties got a square count, and others did not.
Q. Do you know whether Mr. Sypher got a square count or not?
A. No, sir; he did not.
Q. What do you know about the count for Congressman?
A. Well, I know that I beat Mr. Sypher in the ward. I know that he got beat in the ward, and I helped to do it.
Q. Did you do that under instructions?
A. My instructions from Mr. Blanchard, in the Institute, were to hold the State ticket up.

On cross-examination:

Q. What were you at the time of the election; were you registrar?
A. I was first appointed clerk, and for a great part of the time I acted as registrar—both clerk and registrar.
Q. These acts that you have spoken of, you did as what?
A. In issuing papers, I did it when I was acting as registrar.
Q. Were you a sworn officer as registrar?
A. Not as registrar when these papers were issued; I was acting as registrar.
Q. Were you ever registrar at all?
A. I was registrar at the counting.
Q. Were you not sworn at all to the performance of your duties?
A. I was not sworn at all.

In Mr. Corey's testimony (pages 246, 247) will be found the following affidavit:

I was appointed chairman of the committee on naturalization in the ninth ward of the city of New Orleans by the democratic and fusion parties, and performed the duties assigned me during the last registration and election. * * * There were about 600 fraudulent votes polled in the seventh ward, about 600 in the eighth ward, and about 1,200 in the ninth ward, making in all about 2,400 fraudulent votes illegally polled on the day of election for the democratic fusion ticket.

Further citations of the testimony is unnecessary; there are over two hundred pages of conclusive and uncontradicted proofs. The foregoing are only specimens. The committee set up the very lame and preposterous plea that "the witnesses are subject to the criticism of being parties to the crime." On that point I quote the opinion of the minority, and I am glad to be able to agree with them in this particular. They say:

But if these witnesses were fit to intrust with the responsible duties assigned them by the fusion or democratic party, they ought to be fit to testify as to the manner in which they executed their trusts. It does not lie in the mouths of those who employed such agents, and who seek the advantage of their acts, to discredit their evidence.

But in the absence of any positive knowledge on the subject, the committee cannot disregard the testimony of witnesses whose statements are not on their face untrue, and who stand unimpeached. If these witnesses have such reputations for truth and veracity where they reside, why have they not been impeached? Why leave the duty of impeaching them to the attorney who argued the case? It was due the committee, as it was due the House, that these witnesses should have been duly impeached if they could be.

The testimony of these witnesses and others is fully supported by documents and contemporaneous records.

They are the men who, together with the democratic executive committee of New Orleans, planned and executed the gigantic scheme of fraud in Louisiana, in the election of 1872, which came so near suppressing the will of the people and subverting the government in that State.

By no rules of evidence or practice established by this House in contested-election cases can this testimony be rightfully rejected. It must be considered, and, if considered, you must find that I am elected by over 1,000 majority by the returns of the legal or illegal returning board.

Here is the result in tabulated form, from which there is no escape.

Returns of Lynch board, (page 146 of the testimony.)

FIRST DISTRICT.

Parishes.	J. H. Sypher.	E. Lawrence.
Livingston	235	455
Orleans	7,516	9,643
Plaquemines	2,354	414
Saint Tammany	121	103
Saint Bernard	460	270
Saint Helena	687	289
Tangipahoa	769	618
Washington	157	433
Total	12,299	12,225
	(629)	(410)
Complete returns from the parish of Saint Tammany, (page 149 of the testimony)	508	307
Total vote	12,807	12,532
Deduct 1,700 votes from Sypher; that number of affidavits, it is alleged, were counted for him, (see page 14 of the testimony)	1,700	
Total vote for Sypher	11,107	
Deduct 3,077 fraudulent votes counted for Lawrence, (see testimony, pages 192, 193, 194, 243, 244, 246, 247, 232, 233, 234, 235, 236, 237)		3,077
Total vote for Lawrence		9,455
Sypher's majority	1,652	

Returns of Forman board, page 48 of testimony.

FIRST CONGRESSIONAL DISTRICT.

Parishes.	J. B. Hickman.	J. H. Sypher.	Effingham Lawrence.
Livingston Parish		199	478
Orleans, Fourth ward		1,032	1,150
Fifth ward		1,425	1,770
Sixth ward		852	1,405
Seventh ward		1,758	1,464
Eighth ward		700	1,355
Ninth ward		734	1,860
Fifteenth ward		43	747
Plaquemines Parish	22	1,040	414
Saint Helena Parish		411	563
Saint Bernard Parish			
Saint Tammany Parish			
Tangipahoa Parish		658	723
Washington Parish		201	426
	22	9,056	12,355
Complete vote of fifteenth ward, (testimony, page 62)		943	
Complete vote of Saint Tammany Parish, (testimony, page 149)		629	410
Complete vote of Saint Bernard Parish		460	270
Total vote		11,088	13,035
Deduct 3,077 fraudulent votes for Lawrence, (as shown by testimony, pages 192, 193, 194, 243, 244, 246, 247, 232, 233, 235, 236, 237)			3,077
Total vote corrected		11,088	9,958
Sypher's majority		1,130	

This is the result of the election in that district, as shown by the testimony. If you accept the testimony you must confirm me in my seat; if you reject it the House can *elect* the contestant; but the voters of the first district of Louisiana did not do so, and there is absolutely no proof going to show that they did. Before closing I desire to say in justice to my opponent that whatever may have been done in that election to defraud electors of their franchise and to reverse the will of the majority, he had no part nor lot in it. I desire to exonorate him most fully of all connection with such transactions.

ENROLLED BILL SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill (H. R. No. 4680) to further protect the sinking fund and provide for the exigencies of the Government; when the Speaker signed the same.

ELECTION CONTEST—LAWRENCE VS. SYPHER.

Mr. HAZELTON, of Wisconsin. I ask the gentleman from Ohio to yield me five minutes.

Mr. ROBINSON, of Ohio. I will yield three minutes to the gentleman.

Mr. HAZELTON, of Wisconsin. It is not my purpose to detain the House at this late hour of the session with any discussion on this question. If every gentleman upon this floor had time or would take time to read the testimony which is referred to and quoted from in the report of the minority of the Committee on Elections I should have no doubt whatever, not a particle of doubt, as to the result of this question. The minority, constituting five members of the committee, upon a careful examination of the testimony in this case came to the conclusion that we could not afford to affirm the right of either of these parties to a seat in this House, and that opinion was predicated upon what we believed to have been a most stupendous system of frauds in conducting the election in this first district of Louisiana and in counting and canvassing the votes—frauds so shameless, so flagrant, so stupendous on the part of the parties charged with the management of this election, that no gentleman can afford to indorse it or can afford to affirm the right of either of the contestants to a seat upon the floor of this House which grows out of such an election. It is asserted in the minority report that instead of being an election there was a premeditated design, a conspiracy, on the part of political managers to prevent an election and to prostitute the ballot. The testimony bears out this conclusion in my judgment, and I cannot therefore do less than resist the action proposed by the majority of the committee. There was in no just sense an election, which I understand to be a decision of the voters of a given district in the manner prescribed by law, a choice of the electors of a given district between two contesting candidates.

As I said before, I have not time now to go into the testimony; but I protest against either party being allowed to take a seat in this House. The precedents of the House authorize the course pursued by the minority in this case. The doctrine has been more than once affirmed that when frauds and irregularities have been so gross and general as to pervade the entire election and the returns thereof that it is competent to deny the right of either party to a seat in the House.

Mr. ROBINSON, of Ohio. In reply to the remarks of the gentleman from Wisconsin, [Mr. HAZELTON,] I have to say that this contested case has been very carefully and thoroughly examined by the Committee on Elections. The report, which has been printed and which I hope gentlemen have read, shows that both the Forman and Lynch boards came to the conclusion that Mr. Lawrence was elected. After the Lynch board had come to that conclusion thirteen hundred and fourteen affidavits were brought in and counted for Mr. SYPHER, and by that means the Lynch board was induced to give him the return, and upon that the certificate of the governor was issued to him.

Without reviewing the case now, considering the spirit which prevails in this House, I wish to state that fact as an offset to the remarks of the gentleman from Wisconsin, [Mr. HAZELTON.] I now call for a vote.

The question was upon adopting as a substitute for the resolutions reported by the majority of the committee the following resolution reported by the minority:

Resolved, That neither Effingham Lawrence nor J. Hale Sypher has shown himself entitled to a seat in the Forty-third Congress.

The question was taken; and upon a division there were—ayes 45, noes 94.

Before the result of this vote was announced,

Mr. HAZELTON, of Wisconsin, called for the yeas and nays.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 22, noes 117; not one-fifth voting in the affirmative.

Before the result of this vote was announced,

Mr. HAZELTON, of Wisconsin, called for tellers on ordering the yeas and nays.

Tellers were ordered; there being 30 in the affirmative, (more than one-fifth of a quorum;) and Mr. HAZELTON, of Wisconsin, and Mr. ROBINSON, of Ohio, were appointed as tellers.

The House again divided; and the tellers reported that there were ayes 45, noes not counted.

So (one-fifth voting in the affirmative) the yeas and nays were ordered.

The question was taken; and there were—yeas 86, nays 144, not voting 58; as follows:

YEAS—Messrs. Albright, Barrere, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burleigh, Roderick R. Butler, Cason, Cessna, Clayton, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Dawes, Dobbins, Donnan, Dunnell, Fort, Freeman, Hagans, Harmer, Havens, Gerry W. Hazelton, John W. Hazelton, Hendee, George F. Hoar, Hoskins, Howe, Hunter, Hurlbut, Hyde, Killinger, Lawson, Lewis, Lofland, Lowe, Maynard, Alexander S. McDill, MacDougall, Myers, Orr, Packer, Page, Pelham, Phillips, Thomas C. Platt, Poland, Pratt, Rapier, Ross, Rusk, Sawyer, Scofield, Sessions, Shanks, Sheats, Sherwood, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, H. Boardman Smith, Snyder, Starkweather, Stowell, Strait, Christopher Y. Thomas, Todd, Townsend, Tremain, Tyner, Wallace, White, Whiteley, Wilber, John M. S. Williams, William Williams, Jeremiah M. Wilson, and Woodworth—86.

NAYS—Messrs. Adams, Albert, Arthur, Ashe, Averill, Banning, Barber, Barnum, Barry, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Cannon, Carpenter, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clements, Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Crounse, Crutchfield, Darrall, Davis, Duell, Durham, Eden, Eldredge, Farwell, Finck, Foster, Garfield, Giddings, Glover, Gooch, Gunckel, Gunter, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Joseph R. Hawley, Hereford, Herndon, E. Rockwood Hoar, Holman, Hunton, Hynes, Kasson, Kelley, Knapp, Lamar, Lamison, Lawrence, Lowndes, Luttrell, Lynch, Magee, Martin, McNulta, Milliken, Mills, Mitchell, Monroe, Morey, Morrison, Neal, Negley, Nesmith, Niblack, O'Brien, O'Neill, Packard, Hosea W. Parker, Parsons, Pendleton, Perry, Phelps, Pierce, James H. Platt, jr., Potter, Randall, Ransier, Ray, Read, Richmond, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, James W. Robinson, Henry B. Sayler, Milton Sayler, Henry

J. Scudder, Sener, Sheldon, Sheridan, Sloss, George L. Smith, J. Ambler Smith, John Q. Smith, Southard, Speer, Standiford, Charles A. Stevens, Stone, Storm, Taylor, Thompson, Vance, Waddell, Waldron, Walls, Marcus L. Ward, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, William B. Williams, Willie, James Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—144.

NOT VOTING—Messrs. Archer, Atkins, Berry, Burchard, Burrows, Benjamin F. Butler, Cain, Caulfield, Chittenden, Curtis, Danford, DeWitt, Eames, Field, Frye, Eugene Hale, Robert S. Hale, John B. Hawley, Hays, Hodges, Houghton, Hubbell, Kellogg, Kendall, Lamport, Lansing, Leach, Loughridge, Marshall, McCrary, James W. McDill, McKee, McLean, Merriam, Moore, Niles, Nunn, Orth, Isaac C. Parker, Pike, Rainey, Schell, John G. Schumaker, Isaac W. Scudder, Small, William A. Smith, Sprague, Stanard, Alexander H. Stephens, St. John, Strawbridge, Swann, Sypher, Charles R. Thomas, Thornburgh, Jasper D. Ward, Charles G. Williams, and Ephraim K. Wilson—58.

So the resolution of the minority was not adopted.

The SPEAKER. The question now recurs upon the first resolution reported by the majority of the committee, that J. HALE SYPHER was not elected a member of this Congress.

Mr. HAZELTON, of Wisconsin. I move to lay both resolutions on the table.

Mr. DAWES. That would leave Mr. SYPHER in his seat.

The SPEAKER. That would confirm the sitting member.

Mr. HAZELTON, of Wisconsin. I desire to have the sense of the House taken upon laying these resolutions on the table.

Mr. RANDALL. If the motion is agreed to, the effect of it will be to keep in his seat a gentleman who not one member of the committee says was elected.

Mr. HAZELTON, of Wisconsin. I will withdraw that motion, and make it upon the second resolution.

The first resolution reported from the committee was adopted, as follows:

Resolved, That J. Hale Sypher was not elected a member of the Forty-third Congress from the first district, of Louisiana.

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

The latter motion was agreed to.

The question was upon the second resolution, as follows:

Resolved, That Effingham Lawrence was duly elected a member of the Forty-third Congress for the first district of Louisiana, and he is entitled to his seat.

Mr. HAZELTON, of Wisconsin. I move to lay that resolution on the table.

The SPEAKER. Why would not the same result be reached by taking a direct vote on the resolution?

Mr. HAZELTON, of Wisconsin. I prefer to have the vote taken upon the motion to lay it on the table.

The question being taken, there were—ayes 63, noes 109.

The question then recurred on agreeing to the second resolution.

Mr. TODD called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 135, nays 86, not voting 66; as follows:

YEAS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Barry, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Cannon, Caulfield, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clements, Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Crounse, Crutchfield, Danford, Darrall, Durham, Eden, Eldredge, Farwell, Field, Finck, Foster, Giddings, Glover, Gooch, Gunckel, Gunter, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Hereford, Herndon, E. Rockwood Hoar, Holman, Hunton, Hynes, Kasson, Kelley, Knapp, Lamar, Lamison, Lawrence, Loughridge, Luttrell, Lynch, Magee, McCrary, McNulta, Milliken, Mills, Mitchell, Monroe, Morey, Morrison, Neal, Negley, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Phelps, Pierce, James H. Platt, jr., Poland, Potter, Randall, Read, Robbins, Ellis H. Roberts, William R. Roberts, James W. Robinson, Henry B. Sayler, Milton Sayler, Schell, Henry J. Scudder, Sheldon, Sheridan, George L. Smith, J. Ambler Smith, John Q. Smith, Southard, Speer, Stanard, Standiford, Stone, Storm, Swann, Taylor, Thompson, Vance, Waddell, Waldron, Walls, Marcus L. Ward, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, Willie, James Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—135.

NAYS—Messrs. Albright, Averill, Barrere, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Roderick R. Butler, Cason, Cessna, Clayton, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Donnan, Dunnell, Fort, Hagans, Harmer, Gerry W. Hazelton, John W. Hazelton, Hodges, Hoskins, Hubbell, Hunter, Hurlbut, Hyde, Killinger, Lawson, Lewis, Lofland, Lowe, Lowndes, Martin, Alexander S. McDill, MacDougall, Merriam, Orr, Packard, Packer, Page, Pelham, Phillips, Thomas C. Platt, Pratt, Ransier, Rapier, Ray, Richmond, Ross, Rusk, Scofield, Sessions, Shanks, Sheats, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, Snyder, Sprague, Starkweather, Charles A. Stevens, Stowell, Todd, Townsend, Tremain, Tyner, Wallace, Jasper D. Ward, White, Whiteley, Wilber, William Williams, Jeremiah M. Wilson, and Woodworth—86.

NOT VOTING—Messrs. Barber, Burrows, Benjamin F. Butler, Cain, Carpenter, Chittenden, Clinton L. Cobb, Curtis, Davis, Dawes, DeWitt, Dobbins, Duell, Eames, Freeman, Frye, Garfield, Eugene Hale, Robert S. Hale, Hathorn, Havens, John B. Hawley, Hays, Hendee, George F. Hoar, Houghton, Howe, Kellogg, Kendall, Lamport, Lansing, Leach, Marshall, Maynard, James W. McDill, McKee, McLean, Moore, Myers, Niles, Nunn, O'Neill, Orth, Isaac C. Parker, Parsons, Pendleton, Pike, Rainey, James C. Robinson, Sawyer, John G. Schumaker, Isaac W. Scudder, Sener, Sloss, William A. Smith, Alexander H. Stephens, St. John, Strait, Strawbridge, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Charles G. Williams, John M. S. Williams, William B. Williams, and Ephraim K. Wilson—66.

So the second resolution was agreed to.

Mr. EFFINGHAN LAWRENCE presented himself and was duly qualified by taking the oath prescribed by the act of July 11, 1868.

CLAIM AGENTS IN CONGRESS AND DEPARTMENTS.

Mr. ELLIS H. ROBERTS. I move to suspend the rules and pass the bill (H. R. No. 4849) to regulate the appearance and compensation of agents and attorneys prosecuting claims or demands before Congress and the Executive Departments of the Government, and for other purposes. This bill was reported from the Committee on Ways and Means in connection with the report upon the Pacific Mail investigation.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act no person shall be permitted to appear or act as agent or attorney for any individual, body-politic or corporate, relative to any claim or demand against the United States, or any legislation involving appropriations of the money, property, or credit of the United States, either before Congress or any committee thereof, when either he or any other person has any interest, directly or indirectly, in said claim, demand, or legislation, or any agreement for compensation for services in obtaining payment of such claim, demand, or passage of such legislation, until such agent or attorney shall file with the Clerk of the House and of the Senate his name and residence and the title of the claim, demand, or subject in relation to which he desires to so appear, and a statement on oath, in writing, of the amount and character of compensation which the party or parties in interest have agreed to pay for services rendered relative thereto. And a duplicate of such statement shall be filed by such agent or attorney with the committee or committees of either House before which he may so appear. And no person so interested shall be permitted to appear or act as agent or attorney in any matter pending before any Department of the Government until he shall file with the chief clerk of that Department his name and residence and the title of the matter in relation to which he desires so to appear, and a statement on oath, in writing, of the amount and character of compensation which the claimant has agreed to pay for services rendered relative thereto. No greater sum than the amount thus stated shall be collectible out of or because of services rendered concerning said claim, demand, or legislation. All other and further agreements for the payment of additional compensation relative to such services shall be null and void. If any money or other thing of value is paid, directly or indirectly, by the party or parties in interest, or any one for him or them, to any person or persons, beyond the amount so filed, or otherwise than as stated in said paper required to be filed as aforesaid, it may be recovered by any person suing for the same from the person so receiving it, or from any person interested in the payment so made, by suit in any court of the United States, one-third of which recovery shall be paid to the person suing therefor, and the other two-thirds shall be paid into the Treasury of the United States. And all persons directly or indirectly receiving any compensation in excess of or otherwise than as set forth in said statement, required to be filed as aforesaid, shall be guilty of a misdemeanor, and, on conviction before any court of the United States, shall be fined not exceeding $5,000, and may, in addition thereto, be imprisoned for any time not exceeding one year, at the discretion of the court.

SEC. 2. Any person who shall willfully violate the provisions of this act by appearing as agent or attorney before Congress, or any committee of either House, or before any Department of the Government, without previously filing his name, residence, title of matter, and statement of the compensation agreed to be paid to him, as required by this act, shall be guilty of a misdemeanor, and, on conviction before any court of the United States, shall be fined not exceeding $5,000, and may, in addition thereto, be imprisoned for any time not exceeding one year, at the discretion of the court. And any individual, or any officer of any body-politic or corporate who shall, in violation of the provisions of this act, pay, or agree to pay, to any agent or attorney any money, or other thing of value, in excess of the compensation stated in such affidavit on file, or shall, with intent that the statement required by this act shall not be filed, employ an agent or attorney who shall neglect to file such statement, such individual or officer shall be guilty of a misdemeanor, and, on conviction before any court of the United States, shall be fined not exceeding $5,000, and may, in addition thereto, be imprisoned for any time not exceeding one year, at the discretion of the court.

SEC. 3. That any individual or officer of any body politic or corporate who shall give, or agree to give, any money or other thing of value as compensation or reward to any officer or employé of either House of Congress, or of any committee thereof, for services for or in connection with any such claim or demand, or legislation pending before Congress, shall be guilty of a misdemeanor, and, on conviction before any court of the United States, shall be fined not exceeding $5,000, and may, in addition thereto, be imprisoned for any time not exceeding one year, at the discretion of the court. And any officer or employé of either House of Congress, or of any committee thereof, or any reporter or correspondent permitted to have a place in the gallery of either House, who shall receive any gift of money or other thing of value as compensation or reward for services for or in connection with any claim or demand or legislation pending before Congress, shall be guilty of a misdemeanor, and, on conviction before any court of the United States, shall be fined not exceeding $500, and may, in addition thereto, be imprisoned for any time not exceeding one year, at the discretion of the court; and in addition, any sum so given or paid may be recovered by any person suing for the same, from the person so receiving it, by suit in any court of the United States, one-third of which recovery shall be paid to the person suing therefor, and the other two-thirds shall be paid into the Treasury of the United States.

The motion to suspend the rules and pass the bill was agreed to, there being—ayes 113, noes 31.

EQUALIZATION OF BOUNTIES.

Mr. GUNCKEL. I move that the rules be suspended and that Senate amendments to the bill (H. R. No. 3341) for the equalization of bounties be taken from the Speaker's table and non-concurred in, and a conference with the Senate asked on the disagreeing votes of the two Houses.

Mr. ALBRIGHT. Is it in order to move concurrence in those amendments?

The SPEAKER. The motion to suspend the rules cannot be amended.

Mr. BECK. I call for the yeas and nays on the motion of the gentleman from Ohio, [Mr. GUNCKEL.]

The yeas and nays were not ordered.

The motion of Mr. GUNCKEL was then agreed to; two-thirds voting in favor thereof.

The SPEAKER subsequently announced the appointment of Mr. GUNCKEL, Mr. COBURN, and Mr. ELDREDGE as the committee of conference on the part of the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the report of the committee of conference on the bill (H. R. No. 3820) making appropriations for

the support of the Army for the fiscal year ending June 30, 1876, and for other purposes.

The message also announced that the Senate had passed without amendment a bill of the following title:

An act (H. R. No. 4747) supplementary to the acts in relation to immigration.

The message further announced that the Senate had passed a bill of the following title with an amendment; in which the concurrence of the House was requested:

A bill (H. R. No. 1995) to amend the act approved June 18, 1838, entitled "An act to require the judge of the district courts of East and West Tennessee to hold a court at Jackson in said State."

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. No. 1282) to change the place of holding the district and circuit courts of the United States for the district of Nevada.

ARMY APPROPRIATION BILL.

Mr. WHEELER. I present the conference report on the Army appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes, having met, after a full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 11 and 12.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, and 10; and agree to the same.

That the House recede from its disagreement to the amendment numbered 9 and agree to the same with an amendment, as follows: In lieu of the words proposed to be stricken out insert the following: "*Provided*, That no money shall hereafter be paid to any railroad company for the transportation of any property or troops of the United States over any railroad which in whole or in part was constructed by the aid of a grant of public land on the condition that such railroads should be a public highway for the use of the Government of the United States free from toll or other charge, or upon any other conditions for the use of such road for such transportation, nor shall any allowance be made for the transportation of officers of the Army over any such road when on duty and under orders as military officers of the United States. But nothing herein contained shall be construed as preventing any such railroad from bringing a suit in the Court of Claims for the charges for such transportation and recovering for the same, if found entitled thereto by virtue of the laws in force prior to the passage of this act: *Provided*, That the claim for such charges shall not have been barred by the statute of limitations at the time of bringing the suit, and either party shall have the right of appeal to the Supreme Court of the United States: *Provided, further*, That the foregoing provision shall not apply for the current fiscal year, nor thereafter, to roads where the sole condition of transportation is that the company shall not charge the Government higher rates than they do individuals for like transportation, and when the Quartermaster-General shall be satisfied that this condition has been faithfully complied with."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 13, and agree to the same with an amendment, as follows: In lieu of the word proposed to be inserted insert the word "one;" and after the word "one hundred," in line 13, page 9 of the bill, insert the words "and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 14 and agree to the same with an amendment, as follows: Insert after the words "ordnance stores," in line 11 of said amendment, the words "in the service of the United States in the suppression of the war of the rebellion," and add at the end of said amendment the following:

"*And provided further*, That so much of the appropriations between the 1st of January, 1861, and the 9th of April, 1865, under the act of April 23, 1808, herein referred to, as would have been used for the purchase of arms to be distributed to the several States that were in rebellion shall be covered into the Treasury of the United States."

And the Senate agree to the same.

WILLIAM A. WHEELER,
JOHN COBURN,
A. M. WADDELL,
Managers on the part of the House.
WILLIAM B. ALLISON,
JOHN A. LOGAN,
JOHN W. STEVENSON,
Managers on the part of the Senate.

The report of the committee of conference was agreed to.

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

The latter motion was agreed to.

PAY OF EMBASSADORS, ETC.

The SPEAKER. The gentleman from Massachusetts [Mr. BUTLER] has the floor, but yields to his colleague to take up some matters by unanimous consent on behalf of the Committee on Foreign Affairs.

Mr. E. R. HOAR. Mr. Speaker, I ask unanimous consent to take from the Speaker's table two Senate bills. The gentleman from Indiana, [Mr. ORTH,] chairman of the Committee on Foreign Affairs, who had charge of them, is ill and unable to be present this evening, and has asked me to call them up.

I ask first to take from the Speaker's table a bill (S. No. 1328) to amend sections 1675, 1676, 1681, and 1682 of the Revised Statutes of the United States, and pass it at this time.

The bill, which was read, provides that section 1675 of the Revised Statutes be amended so as to read as follows:

SEC. 1675. Embassadors and envoys extraordinary and ministers plenipotentiary shall be entitled to compensation at the rates following, per annum, namely:

Those to France, Germany, Great Britain, and Russia, each, $17,500.

Those to Austria, Brazil, China, Italy, Japan, Mexico, and Spain, each, $12,000.

Those to all other countries, unless where a different compensation is prescribed by law, each, $10,000.

And, unless when otherwise provided by law, ministers resident and commissioners shall be entitled to compensation at the rate of 75 per cent., charges d'affaires at rate of 50 per cent., and secretaries of legation at the rate of 15 per cent. of the amounts allowed to embassadors, envoys extraordinary, and ministers plenipotentiary to the said countries respectively; except that the secretary of legation to Japan shall be entitled to compensation at the rate of $2,500 per annum.

The second secretaries of the legations to France, Germany, and Great Britain shall be entitled to compensation at the rate of $2,000 each per annum.

That section 1676 of the said Revised Statutes be amended so as to read as follows:

The agent and consul-general at Cairo shall be entitled to compensation at the rate of $3,500 per annum.

That section 1681 be amended so as to read as follows:

The minister resident to Uruguay, when also accredited to Paraguay, shall be entitled to compensation at the rate of $10,000 per annum.

That the following be added to section 1682:

And he shall receive compensation at the rate of $10,000 per annum.

Mr. HOLMAN. I hope there will be some explanation of this.

Mr. E. R. HOAR. I have not before me the Senate report. But I understand from the chairman of the Committee on Foreign Affairs of this House, Judge ORTH, who is absent, that this bill was prepared at the State Department, was reported by the Committee on Foreign Relations in the Senate, and passed there by unanimous consent; and that its object is to correct a construction that it was thought might be put on the sections of the Revised Statutes referred to in the bill, which would have the effect of changing existing laws; that it creates no additional salaries and raises no salaries.

One of the objects I can explain exactly. The law states that when consuls are employed as chargé d'affaires in the absence of a minister, they shall have the salary of secretary of legation. Twenty-five of our foreign ministers have no secretary of legation. It was left without a standard. This is to establish a proportion exactly the same as in cases where we have a secretary of legation, so that the matter may be made definite. I understand from the Secretary of State, and from the chairman of the Committee on Foreign Affairs, that the effect of the language in the Revised Statutes is to alter the law and the practice as it then stood; and the object of the bill is simply to make the meaning of the Revised Statutes clear, and to apply existing law to cases which they may have left unprovided for.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

CONSULATES AT AMOOR RIVER AND VLADIVOSTOCK.

Mr. E. R. HOAR. I also ask that by unanimous consent the bill (S. No. 1339) to abolish the consulate at Amoor River and establish a consulate at Vladivostock, and for other purposes, be taken from the Speaker's table and passed.

The bill was read. It provides that Amoor River, in Russia, be discontinued as a consulate of class 5, in Schedule B, as the same was amended by chapter 275 of the laws of the first session of the Forty-third Congress; and that Vladivostock be a consulate of class 5, in Schedule B. The bill further exempts the consul at Vladivostock and the consuls at Fayal and Auckland from the prohibition to engage in business and trade embraced in sections 1699 and 1700 of the Revised Statutes of the United States.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

SAMUEL S. POTTER.

Mr. HOLMAN. I ask that by unanimous consent the Committee of the Whole be discharged from the further consideration of the bill (S. No. 786) for the relief of Samuel S. Potter, and that the same be passed. This bill appropriates $750 to Rev. Mr. Potter, a Presbyterian minister. It passed in last Congress both Houses, but reached the President too late to receive his signature.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to Samuel S. Potter, out of any money in the Treasury not otherwise appropriated, the sum of $750, the same being in full of all claims against the Government for expenses incurred by the said Potter by reason of the seizure of his seminary buildings by J. F. Head, medical director of the district of Kentucky, for hospital purposes.

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

PUBLIC SCHOOLS OF THE DISTRICT.

Mr. COX. I ask the House, by unanimous consent, to pass the joint resolution (H. R. No. 129) authorizing the commissioners of the District of Columbia to promote the efficiency of the teachers of the public schools of said District.

The joint resolution was read.

Mr. ELDREDGE. I object.

Mr. COX. This does not levy any tax.

Mr. O'BRIEN. It ought to pass.

Mr. COX. I move that the rules be suspended and that the joint resolution be passed.

The SPEAKER. The gentleman from Massachusetts [Mr. BUTLER] does not yield for anything but by unanimous consent.

JOHN SPICER.

Mr. HAZELTON, of Wisconsin. I ask unanimous consent to report from the Committee on War Claims and have put upon its passage a bill for the relief of John Spicer, of Ottawa, Illinois.

The bill was read.

Mr. SPEER. What is the amount involved in this bill?

Mr. HAZELTON, of Wisconsin. Twenty-five thousand dollars.

Mr. SPEER. Is it unanimously reported?

Mr. KILLINGER. I object to the present consideration of the bill.

INTERNAL REVENUE.

Mr. BECK. I ask unanimous consent to introduce for present consideration a bill to amend the Revised Statutes relating to internal revenue.

The bill was read.

Mr. BECK. This bill was drawn by the Commissioner of Internal Revenue.

Objection was made.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will now read the proposition of the gentleman from Massachusetts, [Mr. BUTLER.]

The Clerk read as follows:

That the rules be so suspended that the House shall proceed to business on the Speaker's table; the civil-rights bill of the Senate to be taken therefrom and referred to the Committee on the Judiciary, not to be brought back on a motion to reconsider; all the remaining bills on the Speaker's table be considered under a five-minute debate *pro* and *con*, subject to all points of order; and upon a point of order being sustained, a motion to suspend the rules and pass the bill may be made.

Mr. RANDALL. I consider, for one, that that is an unsafe way of proceeding to business on the Speaker's table.

Mr. BUTLER, of Massachusetts. O, no; it is perfectly safe.

Mr. RANDALL. It is a most dangerous way of going to the Speaker's table.

The SPEAKER. What is the particular danger which the gentleman apprehends?

Mr. RANDALL. I desire to suggest the manner in which, in my judgment, we should go to the Speaker's table.

The SPEAKER. What is the particular danger of this?

Mr. RANDALL. Why, we may reach bills that no point of order lies against and that a majority can pass.

The SPEAKER. The Chair desires to state that in regard to this proposed resolution it does not allow anything less than a two-thirds vote to pass any bill that pays one dollar of money out of the Treasury or appropriates any of the property of the United States.

Mr. RANDALL. No, sir; but there are bills there of the most dangerous character that do not appropriate money at all, and I call for the yeas and nays on the motion.

The yeas and nays were ordered.

Mr. ELDREDGE. I call for the reading of the resolution again.

Mr. RANDALL. I shall object to its being read a second time unless I can have an opportunity to suggest a remedy to the evil which this resolution would entail.

The SPEAKER. Then the Clerk will call the roll.

Mr. ELLIS H. ROBERTS. I desire to know whether under this order such bills as those for the admission of Colorado and New Mexico could not be passed by a majority of the House?

The SPEAKER. Under this rule any bill upon the Speaker's table could be passed by a majority that does not appropriate either the money or property of the Government.

Mr. CESSNA. And does not the gentleman from New York [Mr. ELLIS H. ROBERTS] desire to have those bills in reference to Colorado and New Mexico passed?

The question was taken, and there were—yeas 145, nays 95, not voting 48; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Bundy, Burchard, Burleigh, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clements, Coburn, Conger, Corwin, Cotton, Creamer, Crooke, Crounse, Crutchfield, Curtis, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Foster, Freeman, Gooch, Gunckel, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Howe, Hubbell, Hunter, Hyde, Hynes, Kasson, Kelley, Kellogg, Lansing, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Myers, Negley, Niles, Orr, Packard, Packer, Page, Isaac C. Parker, Parsons, Pendleton, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Ransier, Rapier, Ray, Richmond, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Sherwood, Sloss, Small, Smart, H. Boardman Smith, J. Ambler Smith, Snyder, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Taylor, Christopher Y. Thomas, Thompson, Todd, Townsend, Tremain, Tyner, Waldron, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—145.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Caulfield, John B. Clark, jr., Freeman Clarke, Clymer, Comingo, Cook, Cox, Crittenden, Crossland, Durham, Eden, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Killinger, Knapp, Lamar, Lamison, Lawson, Luttrell, Magee, Marshall, McLean, Merriam, Milliken, Mills, Mitchell, Monroe, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Pelham, Perry, Phelps, Pierce, Potter, Randall, Read, Robbins, Ellis H. Roberts, William R. Roberts, Milton Sayler, Henry J. Scudder, Sener, Sheridan, A. Herr Smith, Southard, Speer, Standiford, Stone, Storm, Swann, Vance, Wells, Whitehead, Whitthorne, Charles W. Willard, Willie, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, John D. Young, and Pierce M. B. Young—95.

NOT VOTING—Messrs. Burrows, Roderick R. Butler, Caldwell, Chittenden, Clayton, Clinton L. Cobb, Stephen A. Cobb, Davis, DeWitt, Frye, Garfield, Robert S. Hale, John B. Hawley, Joseph R. Hawley, Houghton, Hurlbut, Kendall, Lamport, Effingham Lawrence, William Lawrence, Leach, Maynard, Moore, Morey, Nunn, O'Neill, Orth, Phillips, Pike, Rainey, James C. Robinson, Schell, John G. Schumaker, Scofield, Lazarus D. Shoemaker, Sloan, George L. Smith, John Q. Smith, William A. Smith, Sprague, Alexander H. Stephens, Strawbridge, Charles R. Thomas, Thornburgh, Waddell, Wallace, Wheeler, Whitehouse, and Wolfe—48.

So (two-thirds not voting in favor thereof) the rules were not suspended.

During the roll-call the following announcement was made:

Mr. LOWNDES. I am requested to state that Mr. ORTH, of Indiana, is absent on account of sickness.

The result of the vote was announced as above recorded.

Mr. ELLIS H. ROBERTS. I offer the following resolution:

Resolved, That the rules be so suspended that the House now proceed to the consideration of bills on the Speaker's table in order, referring the civil-rights bill to the Judiciary Committee, and leaving all points of order in force, and that no bill shall be passed except by unanimous consent or a vote of two-thirds, and that, if asked for, five minutes' debate be allowed on each side on any bill.

Mr. CONGER. There would be no possibility of passing any bill under such a rule as that.

Mr. RANDALL. I suggest the further modification: "Provided that the civil-rights bill shall not be passed."

The SPEAKER. It could not be passed.

Mr. ELLIS H. ROBERTS. I will modify it so as to provide that the civil-rights bill shall be referred to the Committee on the Judiciary, not to be brought back by a motion to reconsider.

The SPEAKER. It could not possibly come back except by a suspension of the rules.

The question was taken on the resolution offered by Mr. ELLIS H. ROBERTS; and (two-thirds voting in favor thereof) the resolution was adopted.

ERROR IN ENROLLMENT.

The SPEAKER. The Chair lays before the House the following concurrent resolution received from the Senate:

IN THE SENATE OF THE UNITED STATES, *March* 3, 1875.

Resolved by the Senate, (the House of Representatives concurring,) That the Committee on Enrolled Bills, when they examine the bill of the Senate No. 378, to provide for the incorporation and regulation of railroad companies in the Territories of the United States and granting to railroads the right of way through the public lands, be authorized to change the title to said bill to read as follows: "An act granting to railroads the right of way through the public lands of the United States;" the amendment of the title to the said bill having been accidentally omitted in the recommendation of the committee of conference on said bill.

JOSEPH H. MADDOX.

Mr. COBB, of North Carolina. I ask that the Committee of the Whole be discharged from the further consideration of House bill No. 3789, for the relief of Joseph H. Maddox, and that the same be now passed.

The SPEAKER. The bill will be read.

The bill directs the proper officers of the Treasury Department to adjust, settle, and pay, out of any money in the Treasury not otherwise appropriated, the claim of Joseph H. Maddox, in his own right and as assignee of Benjamin F. Camp and D. Preston Parr, for their loss and damage sustained under the contract made with them on the 13th day of November, 1864, under the direction of the Secretary of the Treasury, by H. A. Risley, supervising special agent of the Treasury Department, for the delivery of six thousand boxes of tobacco and other products of States declared in insurrection, and in the adjustment of said claim the instrument of writing given on the said 13th of November, 1864, by said special agent of the Treasury to said Camp, Maddox, and Parr, requesting safe conduct and means of transportation for said products, and provides that the order made thereon by the President of the United States on the 17th day of November, 1864, shall be considered as part of said contract; and the allowance shall be for the proper value of such tobacco at the time the respective lots were detained, seized, destroyed, or used by the civil or military authorities of the United States, either while in course of transportation or while in store in the city of Richmond at the time of the capture of said city; provided that no allowance shall be made for such of said tobacco as was destroyed in the said city by fire; and provided that no payment shall be made for any tobacco destroyed by order as a military necessity.

Objections were made.

PAY OF PAGES.

Mr. RANDALL. I ask consent to submit for consideration at this time the following resolution:

Resolved, That the Clerk of the House be, and he is hereby, directed to pay to the pages of the House their salaries for the entire month of March out of the contingent fund of the House.

That is usual; the pages are kept here until near the close of the month waiting on the members who remain.

The resolution was adopted.

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

The latter motion was agreed to.

SETTLEMENT OF ACCOUNTS OF ARMY AND NAVY OFFICERS.

Mr. COBURN. I ask unanimous consent to report for consideration at this time, from the Committee on Military Affairs, a bill to still further continue the act to authorize the settlement of the accounts of officers of the Army and Navy.

The SPEAKER. The bill will be read.

The bill provides that the act to authorize the settlement of the accounts of officers of the Army and Navy, approved June 23, 1870, and further continued by the act of June 18, 1874, shall be still further continued for one year from June 23, 1875, and no longer.

Mr. COBURN. I have here a letter from the Secretary of War which will explain the necessity for the passage of this bill.

The letter was as follows:

WAR DEPARTMENT,
Washington City, March 2, 1875.

SIR: Referring to the act of June 18, 1874, "to further continue the act to authorize the settlement of the accounts of officers of the Army and Navy," (chapter 302, Forty-third Congress, first session,) I have the honor to inform you that the Third Auditor of the Treasury reports that "all the cases properly coming under the provisions of the act have not been adjusted for want of time.

"The interest of the Government clearly demands the extension of the act for at least one year longer; if it is not extended Congress will be subjected to the importunities of officers whose cases have not yet been considered, and special acts passed for each case when relief is needed."

In view of this report the Quartermaster-General recommends that the act referred to be extended for one year from 23d June next, and I have the honor to inclose draught of a bill to extend the act for one year, with the earnest recommendation that the same be submitted to the House with the favorable report of your committee.

I have written a similar letter to the chairman of the Committee on Military Affairs of the Senate.

Very respectfully, your obedient servant,

WM. H. BELKNAP,
Secretary of War.

Hon. JOHN COBURN,
Chairman Committee on Military Affairs,
House of Representatives.

No objection being made, the bill (H. R. No. 4865) was received, read three times, and passed.

ORDER OF BUSINESS.

Mr. HOLMAN. I call for the regular order.

The SPEAKER. There are some unanimous consents to be asked for which will not take much time to dispose of.

Mr. HOLMAN. Then I will wait for a few minutes.

PRINTING OF ADDRESSES.

The SPEAKER laid before the House the following resolution of the Senate:

The resolution was read, as follows:

Resolved by the Senate, (the House of Representatives concurring,) That ten thousand copies of the addresses delivered in the two Houses on the occasion of the death of Hon. William A. Buckingham, late a Senator from the State of Connecticut, be printed and bound, five thousand each for the use of the Senate and House of Representatives.

The resolution was concurred in.

LAND CLAIMS UNDER ASHBURTON TREATY.

Mr. DUNNELL, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That James A. Drew and others having preferred a claim for compensation for lands which were taken from them and those preceding them in title and interest by the Ashburton treaty of 1842, as described in House report No. 386 of this session, the Secretary of State be directed to investigate and inform the House whether the said lands were taken from said James A. Drew and others in changing and fixing the boundary line between the United States and the province of New Brunswick by the adoption of the Ashburton treaty; if so, the number of acres so taken, the value thereof, and if said parties are not entitled to compensation for the lands so taken under the treaty aforesaid.

MAJOR N. H. M'LEAN.

Mr. GUNCKEL. I ask unanimous consent to report from the Committee on Military Affairs, for consideration at this time, a bill for the relief of Major N. H. McLean, late of the Adjutant-General's Department of the United States Army.

The bill authorizes the President to appoint Major Nathaniel H. McLean, late of the United States Army, to fill the first vacancy which may occur in the lowest grade of the Adjutant-General's Department; or, if he shall deem it best, to reinstate and retire him on the rank to which he would have attained in the service at the date of the passage of the act.

There being no objection, the bill (H. R. No. 4866) was received, read three times, and passed.

Mr. GUNCKEL 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.

MARTHA J. COSTON.

Mr. LAMISON, by unanimous consent, introduced a bill (H. R. No. 4867) for the relief of Martha J. Coston; which was read three times, and passed.

The bill appropriates the sum of $15,000 to pay Martha J. Coston in full of all her claim and demands upon the Government of the United States for the use of the Coston signal-light and the manufacture by her of the same.

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

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CESSNA. I now call for the regular order of business.

Mr. KELLEY. I wish to ask unanimous consent——

The SPEAKER. Does the gentleman from Pennsylvania [Mr. CESSNA] insist upon the regular order against his colleague, [Mr. KELLEY?]

Mr. CESSNA. I insist upon it against any and all persons.

The SPEAKER. The regular order being called for, bills will now be taken from the Speaker's table and disposed of in pursuance of the order of the House.

FOURTH JUDICIAL CIRCUIT.

The first bill on the Speaker's table was the bill (H. R. No. 1196) to alter and appoint the times for holding the circuit court of the United States for the fourth judicial circuit, and for other purposes.

The SPEAKER. This bill stands in a somewhat peculiar position. It was passed by the House, and was then returned from the Senate by request.

Mr. SENER. Let it be read.

The SPEAKER. Why is that necessary?

Mr. SENER. It is a very objectionable bill.

The SPEAKER. If there be no objection it will be referred to the Committee on the Judiciary.

The bill was so referred.

PROCEEDINGS IN MANDAMUS.

The next business on the Speaker's table was the amendments of the Senate to the bill (H. R. No. 1273) to regulate proceedings in *mandamus*.

The amendments were read, as follows:

Strike out all after "may" to the end of the line, and insert "if necessary for purposes of justice be revived against his."

At the end of the bill add the following:

SEC. 2. That the circuit courts of the United States shall be, and are hereby, given power to issue the writ of *mandamus* in all causes at law or in equity of which they have jurisdiction, and in which such a writ by the common or chancery law is an appropriate remedy, or by way of original proceedings when such writ is necessary to any jurisdiction possessed by said court and is a proper remedy.

SEC. 3. This act shall take effect from the date of its passage.

Mr. BUTLER, of Massachusetts. I think there is no objection to that bill. It was reported from the Judiciary Committee.

The amendments of the Senate were concurred in.

DEBTS DUE THE UNITED STATES.

The next business on the Speaker's table was amendments of the Senate to the bill (H. R. No. 2080) to provide for deducting any debt due the United States from any judgment recovered against the United States by such debtor.

The amendments of the Senate were read, as follows:

Page 1, line 2, after "United States" insert "or other claim duly allowed by legal authority."

Page 1, line 3, after "plaintiff" insert "or claimant."

Page 1, line 6, after "judgment" insert "or claim."

Page 1, line 7, after "plaintiff" insert "or claimant."

Page 1, line 8, after "judgment" insert "or an amount thereof equal to said debt or claim."

Page 1, line 10, after "plaintiff" insert "or claimant."

Page 1, line 13, after "judgment" insert "or claim."

Page 1, line 15, strike out "such claim" and insert "the debt of the United States."

The amendments were concurred in.

PUNISHMENT OF MANSLAUGHTER.

The next business on the Speaker's table was Senate amendments to the bill (H. R. No. 1593) relating to the punishment of the crime of manslaughter.

The amendments were read, as follows:

Line 4, strike out "20" and insert "10."

At the end of the bill add the following:

Provided, That said act shall remain in force for the punishment of all persons who have heretofore committed the crime of manslaughter.

The amendments were concurred in.

SECOND NATIONAL BANK, JAMESTOWN, NEW YORK.

The next business on the Speaker's table was the amendment of the Senate to the bill (H. R. No. 4324) to authorize the change of the name of the Second National Bank of Jamestown, New York.

The amendment of the Senate was read, as follows:

In line 5, after "board" insert "confirmed by a vote of two-thirds of the stockholders."

The amendment was concurred in.

ADMISSION OF COLORADO.

The next business on the Speaker's table was the amendments of the Senate to 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 State into the Union on an equal footing with the original States.

Mr. COX. I thought that bill was disposed of. I call for the reading of the amendments.

The amendments of the Senate were read, as follows:

Page 2, lines 15 and 16, strike out "from the passage of this act," and insert "next after the 1st day of September, 1875."

Page 3, strike out all after "lands" where it first occurs in line 18 down to and including "United States," in line 20.

Page 4, line 6, after "time" insert "in the month of July, 1876."

Page 5, line 13, after "thereof" insert "and with the approval of the President."

Page 5, line 23, after "located" insert "and with the approval."

Page 5, line 26, after "selected" insert "and approved."
Page 6, line 4, strike out "or" and insert "and."
Page 6, line 14, after "of" insert "agricultural."
Page 6, line 14, strike out "have been or."
Page 6, line 15, strike out "prior or."
Page 6, at the end of line 19 insert:
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.
Page 6, strike out section 13.
At the end of the bill add the following:
SEC. —. That all mineral lands shall be excepted from the operation and grants of this act.

Mr. BECK and Mr. W. R. ROBERTS called for the yeas and nays in concurring on the amendments of the Senate.

The yeas and nays were ordered.

The question was then taken; and it was decided in the affirmative—yeas 164, nays 76, not voting 48; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Berry, Biery, Bradley, Burchard, Burleigh, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Caulfield, Cessna, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Comingo, Conger, Corwin, Cotton, Crittenden, Crooke, Crounse, Curtis, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Foster, Freeman, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Hodges, Hoskins, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kellogg, Knapp, Lansing, Effingham Lawrence, William Lawrence, Lewis, Lofland, Lowe, Lowndes, Lynch, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Morey, Morrison, Myers, Negley, Nesmith, O'Neill, Orr, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Schell, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Sloss, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Taylor, Christopher Y. Thomas, Thompson, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, White, Whiteley, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—164.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, John B. Clark, jr., Clymer, Cook, Cox, Crossland, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, E. Rockwood Hoar, Holman, Hunton, Lamar, Lawson, Leach, Luttrell, Magee, Marshall, McLean, Milliken, Mills, Neal, O'Brien, Hosea W. Parker, Potter, Randall, Read, Robbins, Ellis H. Roberts, William R. Roberts, Milton Sayler, Scofield, Sheridan, John Q. Smith, Snyder, Southard, Speer, Standiford, Stone, Storm, Swann, Vance, Waddell, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Willie, Ephraim K. Wilson, Wood, and Pierce M. B. Young—76.

NOT VOTING—Messrs. Buffinton, Bundy, Burrows, Caldwell, Chittenden, Freeman Clarke, Creamer, Crutchfield, Davis, DeWitt, Eden, Frye, Garfield, Eugene Hale, Robert S. Hale, John B. Hawley, George F. Hoar, Houghton, Kelley, Kendall, Killinger, Lamison, Lamport, Loughridge, Maynard, Mitchell, Moore, Niblack, Niles, Nunn, Orth, Perry, Phelps, Pierce, Pike, James C. Robinson, Ross, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, William A. Smith, Alexander H. Stephens, Strawbridge, Charles R. Thomas, Thornburgh, Wilber, Wolfe, and John D. Young—48.

So (two-thirds voting in favor thereof) the rules were suspended and the amendments of the Senate concurred in.

During the vote,

Mr. NIBLACK stated that he was paired with his colleague, Mr. ORTH, who was absent on account of ill health; and that while he would vote in the negative, his colleague would vote in the affirmative.

Mr. McNULTA stated that his colleague, Mr. HAWLEY, was detained from the House on account of sickness.

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

Mr. ALBRIGHT stated that he was requested to state that Mr. KELLEY was paired with Mr. WOOD.

Mr. LOUGHRIDGE said: I was not here during the roll-call, but I believe I have the right to vote, as I was absent on committee service.

Mr. PARKER, of Missouri. Does not the gentleman from Iowa have a right to vote, his committee having the right to sit during the session of the House.

The SPEAKER. Did the House give the committee such permission?

Mr. LOUGHRIDGE. No, sir.

The SPEAKER. Then the gentleman cannot vote.

The vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed with amendments an act (H. R. No. 4729) making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes; in which the concurrence of the House was requested.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. GARFIELD. I move, by unanimous consent, to take from the Speaker's table the amendments of the Senate to the sundry civil appropriation bill, and to refer them to the Committee on Appropriations.

There was no objection, and it was ordered accordingly.

ADMISSION OF NEW MEXICO.

The next bill on the Speaker's table was a 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. COX. I object to taking that up.

Mr. RANDALL. I demand the yeas and nays.

The yeas and nays were ordered:

The question was taken; and it was decided in the negative—yeas, 154, nays 87, not voting 47, as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Buckner, Bundy, Burchard, Burleigh, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Caulfield, Cessna, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Creamer, Crounse, Curtis, Danford, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Foster, Freeman, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Hodges, Hoskins, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kellogg, Knapp, Lamison, Lansing, William Lawrence, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Monroe, Morey, Myers, Negley, O'Neill, Orr, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, Pike, James H. Platt, jr., Rainey, Ransier, Rapier, Ray, Richmond, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Sloss, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Taylor, Christopher Y. Thomas, Thompson, Todd, Townsend, Tremain, Tyner, Waddell, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—154.

NAYS—Messrs. Adams, Archer, Arthur, Atkins, Barnum, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crittenden, Crooke, Crossland, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Joseph R. Hawley, Hereford, Herndon, E. Rockwood Hoar, Holman, Hunton, Lamar, Lawson, Luttrell, Magee, Marshall, McLean, Merriam, Milliken, Mills, Mitchell, Neal, Niblack, O'Brien, Hosea W. Parker, Perry, Phelps, Pierce, Potter, Randall, Read, Robbins, Ellis H. Roberts, William R. Roberts, Milton Sayler, Schell, Scofield, Henry J. Scudder, Sener, Sheridan, John Q. Smith, Snyder, Southard, Speer, Sprague, Standiford, Stone, Storm, Swann, Vance, Waldron, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Willie, Ephraim K. Wilson, Wood, and Pierce M. B. Young—87.

NOT VOTING—Messrs. Ashe, Banning, Berry, Buffinton, Burrows, Caldwell, Chittenden, Freeman Clarke, Crutchfield, Darrall, Davis, DeWitt, Eden, Frye, Garfield, Eugene Hale, Robert S. Hale, John B. Hawley, George F. Hoar, Houghton, Kelley, Kendall, Killinger, Lamport, Effingham Lawrence, Leach, Moore, Morrison, Nesmith, Nile, Nunn, Orth, Thomas C. Platt, Poland, Pratt, James C. Robinson, Ross, John G. Schumaker, William A. Smith, Alexander H. Stephens, Strawbridge, Charles R. Thomas, Thornburgh, Wheeler, Wolfe, Woodworth, and John D. Young—47.

So (two-thirds not having voted in the affirmative) the rules were not suspended.

During the roll-call,

Mr. CRUTCHFIELD said: I am paired with Mr. WOLFE, of Indiana. If he were here he would vote "no," and I should vote "ay."

Mr. CESSNA. I ask the Chair to rule on the meaning of the resolution under which we are now proceeding. I take it that it requires but a majority to concur in amendments of the Senate. I wish to say in justice to myself that I had no hand in drawing the resolution of the gentleman from New York, [Mr. ELLIS H. ROBERTS.] It only provides for a two-thirds vote on the passage of a bill I submit that a majority can concur in amendments of the Senate.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Resolved, That the rules be so suspended that the House now proceed to the consideration of bills on the Speaker's table in order, referring the Senate civil-rights bill to the Judiciary Committee not to be brought back on a motion to reconsider, leaving all points of order in force, and that no bill be passed except by unanimous consent on a vote of two-thirds, and that if asked for, five minutes' debate be allowed on each side on any bill.

The SPEAKER. The gentleman from Pennsylvania makes the point that the resolution only requires two-thirds in order to pass a bill and that this is concurring in Senate amendment——

Mr. RANDALL. Which does pass the bill.

The SPEAKER. Which is not provided for in the resolution. But the Chair thinks that as concurring in the Senate amendments passes a bill it requires a two-thirds vote.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the report of the committee of conference on the bill (H. R. No. 3511) regulating the removal of causes from State courts to the district courts of the United States.

ENROLLED BILLS SIGNED.

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

The bill (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes; and

The bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various tribes of Indians for the year ending June 30, 1876, and for other purposes.

Mr. BUTLER, of Massachusetts. I ask unanimous consent to restore to the Speaker's table a couple of bills now in the Judiciary Committee, that they may be considered under the rules under which the House is now proceeding.

There was no objection.

REMOVAL OF CAUSES FROM STATE COURTS.

Mr. POLAND. I rise to present a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. No. 3511) regulating the removal of causes from State courts to the district courts of the United States, respectfully report that they have met; and after a full and free conference they have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from their disagreements to the amendments of the Senate, and agree to the same with the following amendments:

First. In section 3 strike out the words "before the final hearing or trial therein" where they first occur therein and insert instead thereof as follows: "before or at the term at which said causes could be first tried and before the trial thereof."

Second. Strike out sections 7, 8, and 11 of said Senate amendment.

Third. In section 9 of said Senate amendment strike out the words "civil or criminal" in the first line of said section.

Fourth. In line 11 of said section 9 of said Senate amendment, after the word "any," insert the word "such," and strike out the words "civil or criminal" where they occur in said line.

Fifth. In line 17 of said section 9 of said Senate amendment, strike out the word "prosecution."

Sixth. In line 21 of said section 9 of said Senate amendment, strike out the words "civil or criminal."

Seventh. In lines 28 and 29 of said section 9 of said Senate amendment, strike out the words "civil or criminal."

Eighth. In line 34 of said section 9 of said Senate amendment, strike out the words "criminal prosecution or penal" and insert in place thereof the word "such."

Ninth. In line 36 of said section 9 of said Senate amendment, strike out the words "indictment, presentment, or other."

Tenth. In line 39 of said section 9 of said Senate amendment, strike out the word "prosecution."

Eleventh. In line 41 of said section 9 of said Senate amendment, strike out the word "prosecution."

Twelfth. In lines 42 and 43 of said section 9 of said Senate amendment, strike out the words "if the cause be of a civil nature, at law or in equity."

Thirteenth. In line 1 of said section 10 of said Senate amendment, strike out the word "civil."

Fourteenth. In line 9 of said section 10 of said Senate amendment, after the words "or claim to," insert these words: "or to remove any incumbrance or lien or cloud upon the title and to."

Fifteenth. Strike out section 13 of said Senate amendment and insert instead thereof the following: "All acts and parts of acts in conflict with the provisions of this act are hereby repealed."

Sixteenth. Amend the title of said House bill to read as follows: "An act to determine the jurisdiction of circuit courts of the United States and regulate the removal of causes from State courts, and for other purposes."

LUKE P. POLAND,
LYMAN TREMAIN,
CHARLES A. ELDREDGE,
Managers on the part of the House.
MATT. H. CARPENTER,
ALLEN G. THURMAN,
Managers on the part of the Senate.

Mr. POLAND. I will take no time to explain this, unless some gentleman desires to ask any questions about the report.

The report was agreed to.

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

The latter motion was agreed to.

REMISSION OF TAXES.

The next bill on the Speaker's table was the bill (H. R. No. 4833) to authorize the Secretary of the Treasury to adjust and remit certain taxes and penalties claimed to be due from mining and other corporations in the sixth collection district of Michigan, with Senate amendments.

The Senate amendments were read as follows:

In line 3 strike out "issued by" and insert "made against."

Strike out all after "corporations" in line 4, down to and including "Michigan" in line 5, and insert "other than against any national banking association, State bank or banking association,"

In line 10, strike out "either."

In line 11, strike out "or otherwise in such district" and insert "except as the national banking associations."

In line 12, after the word "issued" insert "re-issued."

Amend the title so that it shall read: "An act to authorize the Secretary of the Treasury to adjust and remit certain taxes and penalties claimed to be due from mining and other corporations, and for other purposes."

Mr. ELLIS H. ROBERTS. I think there will be no objection to these amendments. This is a bill which was reported from the Committee on Ways and Means.

There was no objection; and the Senate amendments were concurred in.

REFUNDING OF CUSTOMS DUTIES.

The next bill on the Speaker's table was the bill (H. R. No. 2073) restricting the refunding of customs duties, and prescribing certain regulations of the Treasury Department, returned from the Senate with amendments.

The Clerk read the amendment of the Senate, as follows:

Strike out all after the enacting clause and insert as follows:

That no moneys collected as duties on imports, in accordance with any decision, ruling, or direction previously made or given by the Secretary of the Treasury, shall, except as hereinafter provided, be refunded or repaid, unless in accordance with the judgment of a circuit or district court of the United States giving construction to the law, and from which the Attorney-General shall certify that no appeal or writ of error will be taken by the United States; or unless in pursuance of a special appropriation for the particular refund or repayment to be made; *Provided*, That whenever the Secretary shall be of opinion that such duties have been assessed and collected under an erroneous view of the facts in the case, he may authorize a re-examination and reliquidation in such case, and make such refund in accordance with existing laws as the facts so ascertained shall, in his opinion, justify; but no such reliquidation shall be allowed unless protest and appeal shall have been made as required by law: *Provided further*, That the restrictive provisions of this act shall not apply to such personal and household effects and other articles, not merchandise, as are by law exempt from duty: *And provided also*, That this act shall not affect the refund of excess of deposits based on estimated duties nor prevent the correction of errors in liquidation, whether for or against the Government, arising solely upon errors of fact discovered within one year from the date of payment and, when in favor of the Government, brought to the notice of the collector within ten days from the date of discovery.

SEC. 2. That no ruling or decision once made by the Secretary of the Treasury, giving construction to any law imposing customs duties, shall be reversed or modified adversely to the United States by the same or a succeeding Secretary, except in concurrence with an opinion of the Attorney-General recommending the same, or a judicial decision of a circuit or district court of the United States conflicting with such ruling or decision, and from which the Attorney-General shall certify that no appeal or writ of error will be taken by the United States: *Provided*, That the Secretary of the Treasury may, in his discretion, decline to acquiesce in the judgment, decision, or ruling of an inferior court upon any question affecting the interests of the United States, when, in his opinion, such interests require a final adjudication of such question by the court of last resort.

SEC. 3. That the Secretary of the Treasury shall have power to make such regulations, not inconsistent with law, as may be necessary to carry this act into effect.

SEC. 4. That the Secretary of the Treasury shall, in his annual report to Congress, give a detailed statement of the various sums of money refunded under the provisions of this act or of any other act of Congress relating to the revenue, together with copies of the rulings under which repayments were made.

Mr. KASSON. I ask that that bill may be informally laid aside, without losing its right until the members of the Committee on Ways and Means have an opportunity to examine it a little carefully.

Subsequently Mr. KASSON said: I ask now for action on the bill (H. R. No. 2073.) The amendment of the Senate leaves the bill substantially as the House passed it, without material alterations.

The amendment of the Senate was concurred in.

GEORGE A. SCHREINER.

The next business on the Speaker's table was the bill (H. R. No. 3685) for the relief of George A. Schreiner, returned from the Senate with amendments.

The amendments of the Senate were read, as follows:

Strike out the word "as a volunteer" and insert "having been employed as a steamboat pilot."

At the end of the bill add:

"The said rate to commence from and after the passage of this act."

The amendments of the Senate were concurred in.

PUNISHMENTS OF LARCENIES, ETC.

The next business on the Speaker's table was the bill (H. R. No. 4744) to punish certain larcenies and receivers of stolen goods, returned from the Senate with amendments.

Mr. BUTLER, of Massachusetts. That is a long bill, and the amendments of the Senate are merely verbal. I ask that they be concurred in without reading.

The amendments of the Senate were concurred in.

SECURITY OF NAVIGATION.

The next business on the Speaker's table was the bill (H. R. No. 3379) for the further security of navigation on the Mississippi River, returned from the Senate with amendments.

The SPEAKER. The gentleman from Illinois, [Mr. MARSHALL,] who is a member of the Special Committee on Louisiana Affairs, had a right to present his views upon that question in writing, and he now presents them.

The amendments of the Senate were read, as follows:

Amend section 4 by inserting after the word "all" the words "or any."

Strike out all after "lumber" in line 6 to the end of the bill and insert "with a specific report in each case."

The amendments of the Senate were concurred in.

DEDUCTIONS FROM TERMS OF SENTENCE.

The next business on the Speaker's table was the bill (H. R. No. 3504) to provide for deductions from terms of sentence of United States criminals, returned from the Senate with an amendment.

The amendment of the Senate was read, as follows:

At the end of the bill add the following:

SEC. 2. That on the discharge from any prison of any person convicted in the courts of the United States on indictment he or she shall be provided by the warden or keeper of said prison with one plain suit of clothes and five dollars in money, for which charge shall be made and allowed in the accounts of said person with the United States: *Provided*, That this section shall not apply to persons sentenced to a term of imprisonment of less than six months.

The amendment of the Senate was concurred in.

COURTS AT JACKSON, TENNESSEE.

The next bill on the Speaker's table was the bill (H. R. No. 1995) to amend the act approved June 16, 1838, entitled "An act to require the judge of the eastern district of Tennessee to hold a court at Jackson, in said State," returned from the Senate, with amendments.

The amendments of the Senate were concurred in without being read.

CIVIL RIGHTS.

The next bill on the Speaker's table was the bill (S. No. 1) supplementary to an act entitled "An act to protect all citizens of the United States in their civil rights, and to furnish the means for their vindication," passed April 9, 1866.

The SPEAKER. Under the order this bill will be referred to the Judiciary Committee, not to be brought back by a motion to reconsider.

ALEXANDER MINOR.

The next bill on the Speaker's table was the bill (S. No. 671) for the relief of Alexander Minor, of West Virginia.

The bill, which was read, directs the Secretary of the Treasury to pay to Alexander Minor, of Company B, Twelfth Regiment West Virginia Infantry Volunteers, the sum of $250, being the amount of pay and bounty due him.

There being no objection, the bill received its several readings, and was passed.

RELIEF OF CONTRACTORS.

The next bill on the Speaker's table was the bill (S. No. 141) for the relief of certain contractors for the construction of vessels of war and steam-machinery.

Mr. SENER. I object to that bill.

Mr. KELLOGG. I move to suspend the rules and pass the bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate requested the return to that body of House bill No. 1273 to regulate proceedings in *mandamus*, with the amendments of the Senate thereto.

The SPEAKER. If no objection is made the request of the Senate will be acceded to.

No objection was made, and it was ordered accordingly.

CONTRACTORS OF WAR VESSELS AND STEAM-MACHINERY.

The next business on the Speaker's table was the bill (S. No. 141) for the relief of certain contractors for the construction of vessels of war and steam-machinery.

The bill was read, as follows:

Be it enacted, &c., That the claims for building vessels of war and constructing steam-machinery, referred to and embraced in the act entitled "An act for the relief of certain contractors for the construction of vessels of war and steam-machinery," approved March 2, 1867, be, and the same are hereby, referred to the Court of Claims, which is hereby vested with authority and jurisdiction to hear and determine the respective claims of the several parties: *Provided, however*, That the investigation of said claims shall be upon the following basis: The said court shall ascertain the additional cost which was necessarily incurred by said contractors for the building of said vessels of war and in the construction of steam-machinery, in the completion of the same by reason of any changes or alterations in the plans and specifications required, and delays in the prosecution of the work, which were not provided for in the original contract; but no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged term for completing the work rendered necessary by the delay resulting from the action of the Government, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractors: *And provided further*, That the compensation fixed by the contracts between the contractors and the Government for specific alterations shall be conclusive as to the compensation to be made therefor: *And provided further*, That all moneys paid to said contractors by the Government, over and above the original contract price for the building of said vessels and the construction of said machinery shall be deducted from any amounts allowed by said court by reason of the matters hereinbefore stated; and if the amounts so to be deducted in any case shall exceed the amount allowed by said court, judgment shall be entered for the excess against such claimant in favor of the United States; and said court is directed to certify such judgment and record to the circuit court of the circuit where such claimant resides, and said circuit court is hereby vested with authority to issue execution and to enforce its collection the same as if said judgment had originally been rendered therein: *And provided further*, That if any of such changes caused less work and expense to the contractors than the original plans and specifications, a corresponding reduction shall be made from the contract price, and the amount thereof be deducted from any allowance to be made by said court to said claimants: *And provided further*, That all claims under the provisions of this act shall be presented within one year from the passage thereof and not afterward; and the claimants in their petitions shall stipulate and agree to accept and abide by all the provisions of this act.

Mr. KELLOGG. I move to suspend the rules and pass this bill.

Mr. HOLMAN. Under the standing order now regulating the proceedings of the House are not five minutes allowed for debate on each side of the pending proposition?

The SPEAKER. The gentleman from Connecticut [Mr. KELLOGG] is entitled to five minutes, and whoever follows him will be entitled to five minutes.

Mr. KELLOGG. Any one who observed the reading of this bill must have noticed that it is surrounded by all the guards possible to protect the Government from any danger of a judgment against it for money not absolutely due to one of its citizens. It is important to pass this bill in order to settle a controversy which has existed here in Congress ever since the close of the war, in regard to the construction of certain light-draught iron-clad vessels, where the Navy Department ordered change after change, not knowing what they themselves needed, and did not pay in full for those changes. This question has been here in every Congress, and every committee that has reported upon it has reported either in favor of paying these contractors or of sending them to the Court of Claims. A bill passed both Houses during the Fortieth Congress, and the chairman of the Committee on War Claims, [Mr. LAWRENCE,] then a member of this House, voted for the bill. That bill, however, did not contain as many guards as this does; it wanted one important one, and the President vetoed it on that ground.

This bill settles this question once for all. If the Government owes these parties anything, then under this bill they can go to the Court of Claims and prove their case. It is provided at the same time that if they have been overpaid the Government can recover back the sum overpaid them. In addition to that the Government of the United States has the right to appeal to the Supreme Court of the United States. Now, I ask members of this House if they are afraid to trust their own citizens in the Court of Claims with the right of appeal on the part of the Government to the Supreme Court of the United States?

In the Senate of the United States the late Senator Sumner and a score of other Senators of equal standing have advocated these claims over and over again, either to pay them or allow the claimants to go to the Court of Claims to prove their just rights. We have sent two or three there, and have paid two or three of them. We paid one of them at the last session of Congress, Mr. Bestor, who died waiting here at the doors of Congress before his claim was allowed. We sent Miles Greenwood to the Court of Claims, with one of the weakest cases.

All that we assert is that these seven or eight other claimants shall be permitted to go to the Court of Claims, prove their cases if they have good ones, and if they have not then the matter will be at an end, forever taken out of Congress.

Mr. HOLMAN. These vessels were constructed under contracts made by the Government with these parties. For the next succeeding six years these parties were entitled to go into the Court of Claims; but instead of doing so they preferred to present their claims to the Navy Department, which had the power of adjustment. On contracts amounting to $14,201,000 the Navy Department allowed them $5,302,847.94, in the neighborhood of 40 per cent., as extras upon the original contracts. Not content with that, these parties obtained the passage of an act of Congress, passed on the 2d of March, 1867, organizing a tribunal, so to speak——

Mr. KELLOGG. These parties did not do that.

Mr. HOLMAN. These parties—so the minority of the committee have reported—obtained the passage of that act organizing a tribunal under the Secretary of the Navy to inquire into what losses had been sustained by them in consequence of changes in their contracts, and because of delay occasioned by the act of the Government. Those are the terms of the act of March 2, 1867; and every gentleman must see that this act presented the case so as to enable these parties to have ample and complete justice.

The proper tribunal was organized under that act, consisting of three officers of the Navy Department. They reported that certain of these parties were entitled to additional compensation, amounting in the aggregate to $157,475.55; but they also reported that the other parties named were not entitled to receive any additional compensation, having sustained no loss that had not been already provided for by allowances made to them by the Navy Department under the provisions of the contracts, which were framed with reference to the contingencies of delays and alterations which might be made by the Government. But, sir, these parties did not go into the Court of Claims. They sought other tribunals; first, the Navy Department itself——

Mr. KELLOGG. Does not my friend know that these parties were never permitted to appear in the Court of Claims?

Mr. HOLMAN. They sought other tribunals—first the Navy Department itself, and secondly the tribunal organized under the act whose passage they themselves procured. They have received the money—have receipted in full. Yet they are still demanding $4,700,000 more.

The question being taken on suspending the rules and passing the bill, there were ayes 48, noes not counted.

So the bill was not passed.

SAINT CROIX AND LAKE SUPERIOR RAILROAD.

The next business on the Speaker's table was the bill (S. No. 654) to extend the time for the completion of a railroad from the Saint Croix River or Lake between townships 25 and 31 to the west end of Lake Superior, and to Bayfield in the State of Wisconsin.

Mr. RANDALL. I object to that.

Mr. HOLMAN. That is a new land grant.

Mr. RUSK. I move to suspend the rules and pass the bill.

The motion was not agreed to; there being ayes 46, noes not counted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had insisted upon its amendments disagreed to by the House to the bill (H. R. No. 3341) for the equalization of bounties, &c., had agreed to the conference asked by the House on the disagreeing votes of the two Houses and had appointed as conferees on the part of the Senate Mr. LOGAN, Mr. HAMLIN, and Mr. SPENCER.

NATIONAL PARK, ISLAND OF MACKINAC.

The next business on the Speaker's table was the bill (S. No. 28) to set apart a certain portion of the island of Mackinac, in the Straits of Mackinac, within the State of Michigan, as a national park.

Mr. CONGER. I move that the rules be suspended and this bill be passed.

The bill was read, as follows:

Be it enacted, &c., That so much of the island of Mackinac, lying in the Straits of Mackinac, within the county of Mackinac, in the State of Michigan, as is now held by the United States under military reservation or otherwise, (excepting the Fort Mackinac and so much of the present reservation thereof as bounds it to the south on the village of Mackinac, and to the west, north, and east, respectively, by lines drawn north and south, east and west, at a distance from the present fort flag-staff of four hundred yards,) hereby is reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as

a national public park, or grounds, for health, comfort, and pleasure, for the benefit and enjoyment of the people; and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as herein provided, shall be considered trespassers and removed therefrom.

SEC. 2. That said public park shall be under the exclusive control of the Secretary of War, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases, for building purposes, of small parcels of ground, at such places in said park as shall require the erection of buildings for the accommodation of visitors, for terms not exceeding ten years; all of the proceeds of said leases, and all other revenues derived from any source connected with said park, to be expended, under his direction, in the management of the same and in the construction of roads and bridle-paths therein. He shall provide against the wanton destruction of game or fish found within said park, and against their capture or destruction for any purposes of use or profit. He also shall cause all persons trespassing upon the same after the passage of this act to be removed therefrom, and generally shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this act.

SEC. 3. That any part of the park hereby created shall at all times be available for military purposes, either as a parade or drill ground, in time of peace, or for complete occupation in time of war, or whenever war is expected, and may also be used for the erection of any public buildings or works: *Provided*, That no person shall ever claim or receive of the United States any damage on account of any future amendment or repeal of this act, or the taking of said park, or any part thereof, for public purposes or use.

Mr. HOLMAN. I desire to say one word upon this bill. The policy of the Government in setting apart bodies of land as public national parks is one that should not be entered upon without proper consideration. The expense of maintaining these parks must steadily increase, as has been shown in connection with the Yellowstone Park already set apart by the Government. I think that the true policy to be adopted is that which was pursued with reference to the Yosemite Valley. Let this island of Mackinac be transferred to the State of Michigan, to be held in trust as a public park for the United States. It will thus be brought under legal control.

Mr. DAWES. Suppose that Michigan should do with reference to this park what California did with reference to the Yosemite Valley, sell it out to squatters?

Mr. HOLMAN. But the State of California never could have sold it out if my friend from Massachusetts [Mr. DAWES] had been as acute as he usually is in drawing up the terms of the law under which that trust was created.

Gentlemen must be aware that every year the expense of keeping up the Yellowstone Park is increasing; and it is certain to become ultimately a source of great outlay to the Government.

Mr. MAGINNIS. It has never cost the Government a dollar.

Mr. HOLMAN. I am speaking of the general policy of this kind of legislation. I do not object to setting apart this island, known as Mackinac, as a public park, yet I think the title should be vested in the State of Michigan for the benefit of the people of the United States and should not be held by the Government.

Mr. CONGER. Mr. Speaker, this island of Mackinac with which so many members are acquainted, with the exception of that part occupied by the village of Mackinac and a few settlers, is now a military reservation. The objection to giving it to the State of Michigan to hold and control as a park would be to give the State control over a military reservation. The object of making it a park is that it may be preserved now and for all future time for the people of the United States. It is now one of the most common public resorts for all the people around the lakes in any of the northern waters, and if it be preserved as a park it will be preserved with its wonderful natural curiosities, its woods and drives. It will be preserved for the use of the people; for their health and pleasure.

I do not know of any possible objection to granting this reservation to be used as a public park for the benefit of the people of the United States. The island commands the entrance from Lake Huron to Lake Michigan, the only point which controls that passage, and it should never be surrendered as a military reservation. Yet at the same time, if the public should go there for the benefit of their health and for their recreation as they do now, as it is the most common place of resort in the Northern States, there can be no objection to this transfer. It gives the public a better right than they now have under military officers. The military officers can now forbid the people going over these beautiful grounds and examining the natural curiosities which are there. The people of the North and the Northwest desire it should be set apart as a public park instead of being held solely as a military reservation under the control of whatever officer, captain or sergeant, may be in charge of the fort at Mackinac.

I have never heard a reasonable objection to the passage of this bill. I think it is in the interest of the people of the United States who desire to spend their summers there. For the people from the South, from Chicago, and from all the lake States it is a place of the most popular resort.

Mr. MAYNARD. Does it give anybody a job to put up a hotel?

Mr. CONGER. There is no job in it. There are large public houses there now, and thousands have received renewed health and strength from a sojourn on this beautiful island. Let it forever remain the beautiful national park of the upper lakes.

The bill was passed, two-thirds voting in favor thereof.

OXYGEN GAS COMPANY OF THE DISTRICT OF COLUMBIA.

The next business on the Speaker's table was the bill (S. No. 856) to incorporate the Oxygen Gas Company of the District of Columbia.

Mr. O'NEILL. I object.

The rules were not suspended, two-thirds not voting in favor thereof, and the bill was not passed.

ROSA VERTNER JEFFREYS.

The next business on the Speaker's table was the bill (S. No. 878) for the relief of Rosa Vertner Jeffreys.

The bill authorizes and directs the Secretary of the Treasury to pay to Rosa Vertner Jeffreys, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, in full compensation for the use of and damages done to her property in Lexington, Kentucky, by reason of occupation of the same by the military authorities of the United States in the years 1862, 1863, 1864, and 1865.

Mr. BECK. Mr. Speaker, I wish to say a word in behalf of this bill, and if members will listen to me I think I can satisfy them of its justice. It is a little bill which has passed the Senate, allowing Mrs. Jeffreys $5,000 for the use of her residence in Lexington, Kentucky, for three years and a half. The property is proved by the testimony of military officers, of General Gilmore, General O. B. Wilcox, and General S. G. Burbridge, and others, that it was a valuable residence, worth $20,000, and was fully furnished when the military took possession of it. They occupied it for three years and a half as headquarters. When occupied, it was not where the war was going on. It was handsomely furnished, with a fine library and with personal property valued at $9,000, as the proof shows. The property was well worth $20,000 when they took possession of it, but when given up by the United States it had to be sold for only $9,000 because it had been so much abused while in the possession of the military authorities.

The Senate committee, after full investigation, say they could not allow for personal property destroyed while in use by the military authorities, nor could they allow for injury done to the building, although they admit that the damage was done; but after having received $1,600 for rent, they say Mrs. Jeffreys shall have $5,000. I believe double that amount should be allowed to her; but that is all this bill appropriates. It is only fair compensation, independent of the destruction of personal property and damage done to the building when in the use of the Government, for the use of the building.

I know the gentleman from Ohio [Mr. LAWRENCE] sees something difficult about it. There was no war at the time in that place. It was quiet and peaceable all the time of the occupancy by our officers. As the report shows, it is only a reasonable compensation, in addition to the $1,600 already paid, to pay Mrs. Jeffreys this $5,000 appropriated in this bill. If members will read the report, they will see that the building was worth $20,000, was handsomely furnished, and in good repair when taken possession of. The United States took possession of it and kept it against the will of this lady and her family for three years and a half. They were living in Rochester, New York, all the time and were not only loyal but as loyal as any man on this floor can pretend to be. It was used by the United States, and they could not have got the same property for far more than the Senate have allowed.

Mr. FIELD. There can be no objection to that.

Mr. SAYLER, of Indiana. Does the gentleman from Kentucky have the report of the Senate committee upon this bill?

Mr. BECK. I have. I wish some gentleman would read it.

Mr. SAYLER, of Indiana. Let it be read by the Clerk.

Mr. BECK. The Senate report is a very full one.

Mr. LAWRENCE, of Ohio. If that report is to be read I ask that the report of the Committee on War Claims of the House be also read.

The SPEAKER *pro tempore*, (Mr. DAWES.) Does the gentleman from Ohio [Mr. LAWRENCE] rise to oppose the bill?

Mr. LAWRENCE, of Ohio. There is no one fact sufficiently proved to authorize the payment of this claim. During the war officers of the Army often chose to occupy houses at their own expense. It certainly does not appear that there ever was any authorized occupancy of the claimant's property for the benefit of or by authority of the Government.

This claim has been examined by the War Claims Committee, and there has been a report of the committee against it. There is no ground upon which Congress can properly undertake to examine this claim. The War Department and the accounting officers of the Treasury have, or at least had, full power to examine it, and this has been fully shown in the report made by the Committee on War Claims. This claimant has been paid as much as the military officers who occupied her property deemed proper, and the only question is whether Congress will now undertake to revise the judgment of the War Department upon this case. I have not recently looked into the report of the committee, and I cannot say that the claim has been examined by the War Department. But I know the proof shows that money has been paid to the claimant, some $1,700, if I remember right, for the use of this property, all that the proper officers deemed proper. I think it will be found that there is no evidence that there was any contract or use of this property for the Government. The property may have been occupied by officers who chose to do so for their own convenience; and if we undertake now in Congress to review the action of the officers who made payment upon claims like this there will be no end to them. We will invite a horde of claims here, and Congress, as every man knows, is the worst place in the world

to undertake to review the action of or take the place of the proper officers in the investigation of claims.

The question being put on passing the bill, there were ayes 96, noes not counted.

So (two-thirds having voted in favor thereof) the bill was passed.

WASHINGTON CROSLAND.

The next business on the Speaker's table was the bill (S. No. 807) for the relief of Washington Crosland.

The bill was read. It provides that there be paid to Washington Crosland, of Saint Louis, Missouri, out of any money in the Treasury not otherwise appropriated, the sum of $2,000, in satisfaction of all damages which accrued to him by reason of the construction of a railroad across his two lots of land in the city of Saint Louis by the United States for military purposes.

Mr. STONE. I move that the bill be passed.

The bill was passed, two-thirds voting in favor thereof.

PROTECTION OF TREES ON GOVERNMENT RESERVATIONS.

The next business on the Speaker's table was the bill (S. No. 524) to protect ornamental and other trees on Government reservations and on lands purchased by the United States, and for other purposes.

The bill was read.

There being no objection, the bill was read three times, and passed.

ORDER OF BUSINESS.

Mr. COX, (at a quarter to one o'clock a. m., Thursday, March 4.) I move to take a recess until nine o'clock.

Mr. RANDALL. I understand the sundry civil appropriation bill will be here from the Committee on Appropriations in half an hour.

Mr. COX. I am willing to modify my motion so that the recess shall be until seven o'clock. It is the worst legislation that I ever saw that is being done to-night.

Mr. WILLARD, of Vermont. I move to amend the motion by making the hour two o'clock.

Mr. HAWLEY, of Connecticut. I move to amend by making it half past one o'clock.

Mr. ALBRIGHT. The House should not take a recess until the sundry civil bill is reported for action.

Mr. HAWLEY, of Connecticut. I am informed that the Committee on Appropriations will be ready in three-quarters of an hour to report that bill to the House.

Mr. COX. I will modify my motion so as to make the hour to which the House shall take a recess half past one o'clock.

The question being taken on the motion of Mr. COX, as modified, there were—ayes 38, noes 75; no quorum voting.

Tellers were ordered; and Mr. WILLARD, of Vermont, and Mr. COX were appointed.

Mr. PLATT, of Virginia. I rise to a question of order. No one in this part of the Hall knows what we are asked to vote upon.

The SPEAKER *pro tempore*. The point of order is well taken. The House will come to order.

Mr. GARFIELD. I desire to make a suggestion to the House. The sundry civil bill is now in the Committee on Appropriations. It is necessary that it be sent to a conference committee before the House takes any lengthy recess. In three-quarters of an hour we can have it here.

Mr. MAYNARD. I desire also to make a suggestion. The committee of conference on the legislative appropriation bill have agreed. I suppose the bill will be very soon here from the Senate, and it is important that it should be acted on speedily. It is a voluminous bill, and will require a great deal of labor to engross it.

The SPEAKER *pro tempore*. Does the gentleman from New York withdraw his motion?

Mr. COX. I will if it is agreed that we do not to go to the Speaker's table again. If that is not agreed to I modify my motion so that the recess shall be for half an hour.

The question being taken on the motion that the House take a recess for half an hour, there were ayes 27, noes not counted.

So the motion was not agreed to.

LANDS IN UTAH.

The next business on the Speaker's table was the bill (S. No. 425) for the restoration to market of certain lands in the Territory of Utah.

Many members objected to the bill.

The question was put on the passage of the bill, and (two-thirds not voting in favor thereof) the bill was not passed.

E. LAWS.

The next business on the Speaker's table was the bill (S. No. 710) for the relief of E. Laws, chief engineer, United States Navy.

Mr. YOUNG, of Kentucky. I object to that bill.

Mr. MYERS. This bill was drawn by the Secretary of the Navy himself.

Mr. O'BRIEN. It is all right. It is approved by the Secretary of the Navy, by the Committee on Naval Affairs of the Senate, and by the Committee on Naval Affairs of the House, and I hope it will be passed. There is no possible objection to the bill.

The question was put, and (two-thirds voting in favor thereof) the bill was passed.

JACKSONVILLE, PENSACOLA AND MOBILE RAILROAD.

The next business on the Speaker's table was the bill (S. No. 608) granting the right of way through the public lands to construct and maintain a railroad, (the Jacksonville, Pensacola and Mobile Railroad.)

Mr. SENER. I object to that bill.

Mr. DUNNELL. I would say that this bill received the unanimous indorsement of the Committee on the Public Lands, and conforms fully and entirely to the previous laws that have been adopted by the House.

Mr. KASSON. Is twenty acres the usual allowance or ten acres?

Mr. DUNNELL. Twenty acres.

Mr. WALLS. I hope this bill will pass; it grants a simple right of way.

The question was put on the passage of the bill, and on a division there were—ayes 46, noes 40; no quorum voting.

Mr. COX. Is it too late to say a word?

The CHAIRMAN. Debate is exhausted on the bill.

Tellers were ordered; and Mr. DUNNELL and Mr. BURCHARD were appointed.

Mr. COX. I believe five minutes is allowed for each side, and I would ask the gentleman from Minnesota [Mr. DUNNELL] whether the right of way is the only thing granted by this bill?

Mr. DUNNELL. It is, with the exception of the necessary lands for depots, &c.

Mr. SENER. I withdraw my objection to the bill.

There being no further objection, the bill was passed, two-thirds voting in favor thereof.

NORTHERN AND SOUTHERN JUDICIAL DISTRICTS, NEW YORK.

The next business on the Speaker's table was the bill (S. No. 1294) to fix the salaries of the judges of the northern and southern districts of New York.

The bill, which was read, provides that from and after the 1st day of April, 1875, the salaries of the judges of the northern and southern districts of New York shall be $6,000 per annum.

Mr. SENER. I object to that.

Mr. BUTLER, of Massachusetts. I want to say that this bill passed the Judiciary Committee of the House after the most careful examination. These two districts in New York have two judges, who only receive $4,000 a year and are employed all the time, while of the States judges one receives $14,000 and one $10,000 a year. It is absolutely shameful to have two judges of the United States courts receiving such small salaries in proportion to those paid to the judges of the State courts.

Mr. PLATT, of Virginia. I object to the consideration of this bill because it is not to be found upon the Calendar.

Mr. BUTLER, of Massachusetts. It is on there.

Mr. PLATT, of Virginia. But its consideration now takes some other bill out of place.

The SPEAKER *pro tempore*, (Mr. DAWES in the chair.) The Chair will state that through some error of the Clerks this bill had got out of its order; but no objection was made to its consideration.

Mr. BUTLER, of Massachusetts. If there is no further objection, I will not pursue the debate.

Mr. MCCRARY. I must object to the selection of one or two judges in the country to the exclusion of all others for the purpose of raising their salaries. The district judge in the State of Iowa receives only $2,500 a year. There is but one district in the State, and unless gentlemen will yield for an amendment to include that district judge I shall be compelled very reluctantly to oppose the bill, because it is neither fair nor just that one or two judges should be selected to the exclusion of all others.

Mr. SENER. If I am not mistaken this judge now gets $4,500.

Mr. MCCRARY. If the gentleman will yield to me to move an amendment that the district judge of Iowa shall receive $5,000 I will not object to the bill.

Mr. SAYLER, of Indiana. I wish to have the salary of the district judge of Indiana increased.

Mr. CESSNA. Does the gentleman from Iowa [Mr. MCCRARY] believe for one moment that if his amendment should be allowed to go on the bill it would do him or anybody else any good, or would it result in anything but the defeat of this bill, which is right?

The SPEAKER *pro tempore*. No further debate is in order.

The question was upon the passage of the bill; and upon a division there were—ayes 46, noes 37; no quorum voting.

Mr. RANDALL. I would like to ask if this bill is on the Calendar?

The SPEAKER *pro tempore*. It is not.

Mr. RANDALL. Then I object to it.

The SPEAKER *pro tempore*. The Chair called attention to the fact that it had been presented out of its order and asked if there was any objection, and there was none.

Mr. RANDALL. The House probably had no objection to it if it was on the Calendar, but I have since been informed that it was not on the Calendar at all.

Mr. BUTLER, of Massachusetts. The bill came up properly. I asked unanimous consent to discharge the Judiciary Committee from the consideration of two bills and put them upon the table. One has been passed and this is the other.

The SPEAKER *pro tempore*. The Chair submitted to the House the question of considering this bill out of its order, and there was no

objection. No quorum having voted, the Chair will appoint as tellers Mr. MCCRARY, and Mr. BUTLER, of Massachusetts.

The House again divided; and the tellers reported that there were—ayes 108, noes 39.

Mr. RANDALL. I call for the yeas and nays on this bill. Even upon the statement of the gentleman from Massachusetts [Mr. BUTLER] that he had permission for it to go on the table it should be placed at the bottom. It has been put near the top, if not at the top, and it is keeping other bills back and not fairly treating them.

Mr. BUTLER, of Massachusetts. Why did not the gentleman make his objection a little sooner?

Mr. O'BRIEN. I move to put the bill back in its place.

Mr. RANDALL. The House ought to have respect enough for itself to rebuke such conduct as this.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 25, noes 79.

So (one-fifth voting in the affirmative) the yeas and nays were ordered.

Mr. RANDALL. I do not desire to waste time in calling the yeas and nays if the gentleman will consent——

Mr. BUTLER, of Massachusetts. Debate is not in order.

Mr. RANDALL. If the gentleman will consent that it shall go to the bottom——

Mr. BUTLER, of Massachusetts. It may as well go to the bottomless pit.

The question was taken; and there were—yeas 84, nays 102, not voting 102; as follows:

YEAS—Messrs. Albert, Barry, Bromberg, Benjamin F. Butler, Roderick R. Butler, Cain, Carpenter, Caulfield, Cessna, Amos Clark, jr., Clayton, Clements, Comingo, Creamer, Davis, Donnan, Dunnell, Farwell, Field, Finck, Foster, Gooch, Gunter, Hagans, Harmer, Benjamin W. Harris, Hathorn, Joseph R. Hawley, Hodges, Hoskins, Hubbell, Hynes, Kasson, Kellogg, Elfingham Lawrence, Lawson, Lowndes, Lynch, Maynard, Alexander S. McDill, McNulta, Merriam, Myers, Negley, Packer, Page, Parsons, Perry, Phillips, James H. Platt, jr., Thomas C. Platt, Potter, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, William R. Roberts, Schell, Scofield, Sessions, Shanks, Sheats, Sheldon, Sloan, Sloss, Smart, H. Boardman Smith, Standiford, St. John, Stowell, Strait, Christopher Y. Thomas, Todd, Townsend, Tremain, Waldron, Walls, Whitehouse, Wilber, George Willard, John M. S. Williams, James Wilson, and Pierce M. B. Young—84.

NAYS—Messrs. Adams, Arthur, Ashe, Atkins, Barber, Barrere, Biery, Bland, Blount, Bowen, Bradley, Bundy, Burchard, Burleigh, Cannon, Cason, John B. Clark, jr., Clymer, Stephen A. Cobb, Coburn, Conger, Cook, Corwin, Cotton, Crittenden, Crooke, Crossland, Crutchfield, Curtis, Danford, Dawes, Dobbins, Durham, Fort, Giddings, Glover, John T. Harris, Harrison, Hatcher, Havens, Hereford, Herndon, Holman, Hunter, Hunton, Hyde, Killinger, Lamison, William Lawrence, Lewis, Lofland, Loughridge, Lowe, Luttrell, Martin, McCrary, Neal, Nesmith, O'Brien, O'Neill, Orr, Packard, Hosea W. Parker, Isaac C. Parker, Pendleton, Pierce, Pratt, Randall, Read, Robbins, James C. Robinson, James W. Robinson, Ross, Rusk, Henry B. Sayler, Milton Sayler, Sener, Sherwood, Lazarus D. Shoemaker, A. Herr Smith, John Q. Smith, Snyder, Speer, Stanard, Starkweather, Charles A. Stevens, Stone, Storm, Thompson, Tyner, Vance, Waddell, Wallace, Wells, Whitehead, Whitthorne, Charles W. Willard, Charles G. Williams, Willie, Ephraim K. Wilson, Woodworth, and John D. Young—102.

NOT VOTING—Messrs. Albright, Archer, Averill, Banning, Barnum, Bass, Beck, Begole, Bell, Berry, Bright, Brown, Buckner, Buffinton, Burrows, Caldwell, Chittenden, Freeman Clarke, Clinton L. Cobb, Cox, Crounse, Darrall, DeWitt, Duell, Eames, Eden, Eldredge, Freeman, Frye, Garfield, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Henry R. Harris, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Houghton, Howe, Hurlbut, Kelley, Kendall, Knapp, Lamar, Lamport, Lansing, Leach, Magee, Marshall, James W. McDill, MacDougall, McKee, McLean, Milliken, Mills, Mitchell, Monroe, Moore, Morey, Morrison, Niblack, Niles, Nunn, Orth, Pelham, Phelps, Pike, Poland, Richmond, Sawyer, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sheridan, Small, George L. Smith, J. Ambler Smith, William A. Smith, Southard, Sprague, Alexander H. Stephens, Strawbridge, Swann, Taylor, Charles R. Thomas, Thornburgh, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, William Williams, William B. Williams, Jeremiah M. Wilson, Wolfe, and Wood—102.

So (two-thirds not voting in favor thereof) the bill was not passed.

During the vote,

Mr. SOUTHARD said: The gentleman from New Jersey, Mr. HAMILTON, is paired with the gentleman from New York, Mr. LANSING. I do not know how they would vote on this question.

Mr. ELLIS H. ROBERTS. I presume this bill will retain its place on the Calendar.

Mr. RANDALL. If it does, it must go to the bottom.

Mr. ELLIS H. ROBERTS. At the bottom, of course.

Mr. SPEER. It is not on the Calendar at all.

Mr. O'BRIEN. It was surreptitiously brought in.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, without amendment, a bill of the House of the following title:

A bill (H. R. No. 4858) to authorize the Commissioner of Patents to sign a certificate of extension of letters-patent No. 28,470, granted to Frederick T. Grant, May 29, 1860, upon a sliver machine.

The message further announced that the Senate had passed, with amendments in which the concurrence of the House was requested, a bill of the following title:

A bill (H. R. No. 3884) granting a pension to Mary C. Toy.

ENROLLED BILLS SIGNED.

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

An act (H. R. No. 1593) relating to the punishment of the crime of manslaughter; and

An act (H. R. No. 4324) to change the name of the Second National Bank of Jamestown, New York.

Mr. DARRALL, from the same committee, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 786) for the relief of Samuel S. Potter;

An act (S. No. 1328) to amend sections 1675, 1676, 1681, and 1682 of the Revised Statutes of the United States;

An act (S. No. 1339) to abolish the consulate at Amoor River and establish a consulate at Vladivostock, Russia, and for other purposes; and

An act (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes.

Mr. BANNING, from the same committee, also reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 2080) to provide for deducting any debt due the United States from any judgment recovered against the United States by such debtor;

An act (H. R. No. 3685) for the relief of George A. Schreiner;

An act (H. R. No. 4747) supplementary to the acts in relation to immigration; and

An act (H. R. No. 4833) to authorize the Secretary of the Treasury to adjust and remit certain taxes and penalties claimed to be due from mining and other corporations, and for other purposes.

MARY C. TOY.

The next business on the Speaker's table was the amendment of the Senate to the bill (H. R. No. 3884) granting a pension to Mary C. Toy.

The amendments were read, as follows:

Strike out "John B. Toy" and insert "John D. Toy;" strike out "66" and insert "16."

Mr. COTTON. "Sixteen" is the number of the regiment; there was a misdescription of the regiment as the sixty-sixth regiment.

The amendments were concurred in.

COMMISSIONERS TO VIENNA EXPOSITION.

The next business on the Speaker's table was the bill (S. No. 623) to enable the Secretary of State to pay salaries to certain of the commissioners to the Vienna exposition, appointed under authority of joint resolution approved February 14, 1873.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of State be, and he is hereby, authorized and directed to pay, out of any balance now remaining unexpended of the moneys appropriated in joint resolution approved February 14, 1873, entitled "Joint resolution to enable the people of the United States to participate in the advantages of the international exposition to be held at Vienna in 1873," the sum of $500 to each of the six practical artisans, five scientific men, and four honorary commissioners, appointed under authority of said joint resolution, who, in addition to undertaking reports upon special subjects at said exposition, either served upon international juries or were detained in Vienna by reason of assisting in the arrangement of the American department of the exposition, or the performance of other duties imposed upon them by the State Department for a period of more than seventy-five days, as shown by the records on file in that Department.

Mr. MYERS. I desire merely to say that this bill is recommended by the Secretary of State; that it has been approved by the Committee on Foreign Affairs; and that it appropriates no money out of the Treasury. It gives to the fifteen artisans and scientific men who were appointed to go to Vienna, at a salary of $1,000, $500 more out of the money already appropriated, and for the reason stated in the bill—that in consequence of the dismissal of other commissioners, they were called upon to perform duties not originally contemplated. The bill merely allows $500 each to those who served seventy-five days, and who in addition to that made reports. They had to sit upon juries; they staid in Vienna when the weather was very oppressive; and it is to be borne in mind also that that is the most expensive capital in Europe. These men were mechanics or artisans who could not well afford to go, and to whom we allowed $1,000 each, which barely paid their expenses. The Secretary of State writes urging that this allowance be made. It is a very small matter.

Mr. WILLARD, of Vermont. This bill is in the nature of "back pay." These persons went to that exposition under a statute which allowed them $1,000 each and no more; that was the limit. They now come and ask $500 extra apiece.

Mr. MYERS. It is the Secretary of State who asks it.

Mr. WILLARD, of Vermont. It is strictly and entirely "back pay."

The question being taken on suspending the rules and passing the bill, it was not agreed to.

PAYMASTERS IN THE ARMY.

Mr. ALBRIGHT. I ask unanimous consent to make a statement. On last Monday a bill was passed in relation to the Pay Department of the Army. There seems to be some doubt about the construction of that act. The intention was to fix the number of paymasters at fifty, and to open that corps to promotion. It seems that the provision opening the corps to promotion is not as definite as it should be. I therefore ask unanimous consent to introduce and have passed a joint resolution explanatory of that bill.

The SPEAKER. The joint resolution will be read, after which objection can be made.

The Clerk read as follows:

Joint resolution explanatory of an act entitled "An act fixing the number of paymasters in the Army of the United States," approved March 2, 1875.

Be it resolved by the Senate and House of Representatives, &c., That the intent and meaning of an act entitled "An act fixing the number of paymasters in the Army of the United States," approved March 2, 1875, was to authorize the appointment of such additional number of paymasters with the rank of major as will make the total number of paymasters with the rank of major fifty, and no more; and so much of section 1194 of the Revised Statutes as applies to the Pay Department be, and the same is hereby, repealed.

Mr. HOLMAN. What is the effect of this?

Mr. ALBRIGHT. It is explanatory of the act passed the other day.

Mr. HOLMAN. Does it not have the effect of making an increase in this corps?

Mr. ALBRIGHT. Not at all.

There being no objection, the joint resolution (H. R. No. 162) was read three times, and passed.

Mr. STORM. I ask unanimous consent to introduce a resolution.

Mr. DURHAM. I object.

Mr. CREAMER. I move that we take a recess until nine o'clock to-morrow.

The motion was rejected.

PASSED ASSISTANT PAYMASTER E. MELLACH, UNITED STATES NAVY.

The next business on the Speaker's table was the bill (S. No. 898) to authorize the settlement of the accounts of Passed Assistant Paymaster E. Mellach, United States Navy.

The bill, which was read, directs the accounting officers of the Treasury of the United States, in settling the accounts of E. Mellach, passed assistant paymaster, United States Navy, to credit him with all stoppages charged against him, amounting to $25,104.98, and to allow him his pay from the 2d of May, 1872, to the 7th of April, 1874.

Mr. WILLARD, of Vermont. Has that bill been considered by any committee of this House?

Mr. PLATT, of Virginia. That bill, having passed the Senate unanimously, having previously been reported unanimously from the Committee on Naval Affairs in that body, was referred to the Committee on Naval Affairs in this House, and I have been unanimously instructed by that committee to move its passage under a suspension of the rules. I have the report of the Senate in my hand.

Several MEMBERS. We will pass the bill; it is all right.

The rules were suspended and the bill was passed, two-thirds voting in favor thereof.

DEPARTMENT OF AGRICULTURE.

The next business on the Speaker's table was the bill (S. No. 912) to annex certain lands to reservation No. 2, occupied by the Department of Agriculture.

The bill, which was read, provides that the public gound which lies immediately north of reservation No. 2, now in the occupancy of the Department of Agriculture, made by the filling up of the canal, be, and the same is hereby, attached to and shall hereafter be a part of the said reservation No. 2, in the occupancy of the said Department of Agriculture.

The rules were suspended, and the bill passed, two-thirds voting in favor thereof.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, with an amendment, the bill (H. R. No. 4445) to incorporate the trustees of Louise Home, and for other purposes.

It further announced that the Senate had passed a bill (H. R. No. 3923) authorizing the Secretary of War to deliver certain condemned ordnance to the Joseph Warren Monument Association of Boston, Massachusetts, for monumental purposes, with an amendment, in which the concurrence of the House was requested.

CONDEMNED CANNON FOR MONUMENTAL PURPOSES.

The next business on the Speaker's table was the bill (H. R. No. 3923) authorizing the Secretary of War to deliver certain condemned ordnance to the Joseph Warren Association of Boston, Massachusetts, for monumental purposes, returned from the Senate with an amendment.

The amendment was read, as follows:

Add at the end of the bill:
Provided, The same can be done without detriment to the service.

The amendment was concurred in.

ENROLLED BILLS SIGNED.

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

An act (H. R. No. 3504) to provide for deductions from terms of sentence of United States prisoners;

An act (H. R. No. 2925) to transfer the county of Perry, in the State of Tennessee, from the western to the middle judicial district of the United States in said State;

An act (H. R. No. 4744) to punish certain larcenies and receivers of stolen goods;

An act (H. R. No. 3379) for the further security of the navigation of the Mississippi River; and

An act (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.

DENVER AND RIO GRANDE RAILWAY COMPANY.

The next business on the Speaker's table was the bill (S. No. 867) to correct a clerical error in the act granting the right of way through the public lands to the Denver and Rio Grande Railway Company, approved June 8, 1872.

The preamble recites that in the third session of the Forty-second Congress the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (S. No. 984) granting the right of way through the public lands to the Denver and Rio Grande Railway Company, submitted as part of their report the recommendation that the second proviso in the amendment of the House of Representatives adding provisos to the end of the bill be stricken out and the following words be inserted: "*And provided further*, That the said Denver and Rio Grande Railway Company is hereby recognized as a lawful corporation from the date of its incorporation under the laws of Colorado, and all the powers, privileges, and franchises by said laws conferred upon said company are hereby expressly ratified, confirmed, and legalized as existing from said date of incorporation; but beyond such recognition, ratification, and confirmation of and to said company this act shall not be construed as affirming or denying the rights of Territories to pass laws for the incorporation of railway companies;" which report of said committee of conference was concurred in by both Houses; and that in transcribing the bill the said second proviso in the amendment of the House of Representatives was not stricken out, and the above quoted words were not inserted and do not appear in the law upon the statute-books.

The bill provides that the said words above quoted shall be considered and taken as they were intended to be, and they are hereby made a part of said act approved June 8, 1872.

The rules were suspended (two-thirds voting in favor thereof) and the bill was passed.

ORDER OF BUSINESS.

Mr. GARFIELD. I report back from the Committee on Appropriations the sundry civil appropriation bill, with Senate amendments.

Mr. FOSTER. My colleague yields to me to have taken from the table Senate bill No. 1237. I desire to explain that this bill provides——

Mr. DURHAM. I object.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. GARFIELD. It will greatly facilitate business if gentlemen will send for the printed copies of the bill as passed by the Senate now on the table of the Doorkeeper. I am sorry to say there is a bad botch in the print, which makes the numbers after the first six or seven of them utterly worthless.

The Senate have sent us one hundred and twenty-four amendments to this bill. The Committee on Appropriations have carefully gone over them, and recommend concurrence in about one-third of them, non-concurrence in almost all the rest, and concurrence, with amendments, in two cases only. As there are several very important questions for the House to determine we have to follow the amendments *seriatim*, and I hope we will have as much quiet as possible.

The Clerk proceeded to read the amendments of the Senate and the recommendations of the Committee on Appropriations thereon. The recommendations of the committee were agreed to without debate except in the following cases.

The Clerk read the first amendment of the Senate, as follows:

After line 33 insert the following:

For printing at the Government Printing Office five thousand copies of the report of the Commissioner of Education for the use of the Commissioner, $2,500.

Mr. GARFIELD. The Committe on Appropriations recommend concurrence, with an amendment making the number of copies twenty thousand; ten thousand for the use of the House, five thousand for the use of the Senate, and five thousand for the Commissioner of Education. The committee in this follow exactly what was agreed to by the House in the resolution adopted by the House a few days ago.

Mr. HOLMAN. I hope the House will concur in the Senate amendment without the amendment recommended by the Committee on Appropriations.

Mr. GARFIELD. The Committee on Appropriations considered they were instructed by the action of the House a few days ago.

Mr. HOLMAN. Will not the first question be simply whether we shall concur in the amendment of the Senate?

Mr. GARFIELD. The motion to concur is proposed to be amended by concurring with an amendment. The question will be on concurring in the amendment with an amendment.

Mr. DONNAN. The amendment of the Committee on Appropriations is in accordance with the practice which uniformly of late years has been followed by the House of Representatives and with the resolution which passed the House a few days ago without a dissenting voice.

Mr. HOLMAN. There is no great demand for this work. When the Senate is disposed to cut down the printing we should encourage them by concurring. I insist on a division.

The question being put, the Senate amendment was concurred in with the amendment of the Committee on Appropriations.

The Clerk read the second amendment of the Senate, as follows:

In line 80 strike out after the words "by donation" the words "or purchase;" so that the paragraph will read:

And the Secretary of the Treasury is hereby authorized, whenever he shall deem it advisable, to acquire by donation, in behalf of the United States, the right to use and occupy sites for life-saving or life-boat stations and houses of refuge, the establishment of which has been, or shall hereafter be, authorized by Congress.

Mr. GARFIELD. The Committee on Appropriations recommend non-concurrence. This matter was examined by the gentleman from Maine, [Mr. HALE,] who had charge of that portion of the bill, and it was found necessary in some cases that the sites for life-saving stations should be purchased.

The amendment was not concurred in.

The Clerk read the third and fourth amendments of the Senate, as follows:

In line 144, after the words "Secretary of the Treasury," strike out "in his discretion may" and insert the word "shall."

In line 147, after the words "bank-note engravers as," strike out the word "shall" and insert "may."

The paragraph would then read:

For the purchase of engravers' tools, dies, rolls, and plates, and for machinery and repairs of the same, $50,000: *Provided*, That the above-named notes, currency, and other securities of the United States be executed with not less than three plate printings: *And provided further*, That the Secretary of the Treasury shall have executed one or two of such printings by such responsible and capable and experienced bank-note companies or bank-note engravers as may contract for the same at the lowest cost to the Government and at prices not greater than those heretofore paid for the same class of work; no company or establishment executing more than one printing upon the same note or obligation, and the final printing and finishing to be executed in the Treasury Department.

Mr. GARFIELD. The committee recommend concurrence.

Mr. MAYNARD. I hope the House will non-concur.

Mr. GARFIELD. I desire to say a single word in explanation of those two amendments, which are really one in effect. The language as passed by the House was:

That the Secretary of the Treasury, in his discretion, may have executed one or two of such printings by such responsible and capable bank-note companies or bank-note engravers as shall contract.

The Secretary of the Treasury says he desires not to have the burden of that discretion left to him, but that whatever distribution of this work Congress proposes to have made he desires it shall be mandatory on him. The Senate therefore says he shall have one or two printings done outside by such companies as may contract for the work.

Mr. RANDALL. Does the amendment not give him discretion?

Mr. GARFIELD. It gives him discretion between one or two, but for none below one or above two.

Mr. SAYLER, of Ohio. Then it leaves it at the discretion of the Secretary of the Treasury to have two printings made outside if he sees fit but obligatory on him to have one?

Mr. GARFIELD. It makes it obligatory on him to have one, but he may have two.

Mr. SAYLER, of Ohio. Is that in consideration of the fulfillment of the contract with the Columbian Bank-note Company of this city? Or is it in the discretion of the Secretary of the Treasury again to put it into the hands of the New York bank-note companies?

Mr. GARFIELD. I take it the language does not limit him to any company. There is no company alluded to here whatever.

Mr. SAYLER, of Ohio. But it makes it obligatory that there shall be one printing done outside.

Mr. NIBLACK. Does it confine the work to this District?

Mr. GARFIELD. It does not. An amendment of that nature was reported in the Senate but was voted down.

Mr. MAYNARD. Does the gentleman say that the Secretary of the Treasury wants this amendment?

Mr. GARFIELD. I say this, that the Secretary of the Treasury wants to have the matter fixed and not left at his discretion.

Mr. MAYNARD. I think we had better non-concur.

Mr. LEWIS. As the gentleman from Ohio has stated the opinion of the Secretary of the Treasury, I wish to understand from him clearly and distinctly whether the Secretary of the Treasury is of the opinion that none of the printing should be done outside?

Mr. GARFIELD. I am not authorized to speak for the Secretary of the Treasury on that point. I only say that he desires to have this law, whatever it is, mandatory on him.

Mr. LAWRENCE, of Ohio. Is there any reason why any portion of the work should be done outside of this District?

Mr. GARFIELD. It is the opinion of the Committee on Banking and Currency that a portion of the work ought to be done outside of the District. This House is very much divided, the Committee on Appropriations are divided, and the Committee on Banking and Currency are divided upon this question, but the majority opinion seems to be that a portion of the work should be done outside of the District, and that opinion the Committee on Appropriations have tried to realize in agreeing to this amendment.

Mr. SAYLER, of Ohio. Is it in order to make an amendment to this amendment to provide that the work shall be done within the District?

Mr. RANDALL. It would be in order to move to concur in the amendment of the Senate with an amendment.

Mr. SAYLER, of Ohio. I propose then to concur in the amendment of the Senate, with an amendment to this effect: that no portion of the work shall be done outside but shall be done within the District of Columbia.

Mr. HAWLEY, of Connecticut. That amendment ought not to pass without consideration.

Mr. RANDALL. It ought not to pass because it excludes competition between the various other cities as to the price that shall be paid for the work done outside of the District.

Mr. HAWLEY, of Connecticut. There is but one company here, and you might as well elect the Columbian Bank-note Company to do this work by a direct vote.

The question was taken on the amendment of Mr. SAYLER, of Ohio; and it was not agreed to.

The question recurred upon concurring in the amendment of the Senate; and being put there were, on a division—ayes 127, noes 49.

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

The question was put on ordering the yeas and nays, and 16 members voted therefor.

Mr. STRAIT. I call for tellers on the yeas and nays.

Tellers were not ordered, only 6 members voting therefor.

So the yeas and nays were not ordered.

Mr. MAYNARD. I now call for tellers upon the question.

Tellers were not ordered, only 25 members voting therefor.

So the amendment of the Senate was concurred in.

The Clerk read the sixth amendment of the Senate, as follows:

Insert after the word "dollars," in line 173, on page 8, the following:

Provided, That the compensation of the counsel of the United States provided for by section 5 of the act of Congress creating a court of commissioners of Alabama claims, approved June 23, 1874, shall not exceed $8,000 per annum.

Mr. GARFIELD. The Committee on Appropriations recommend non-concurrence in that amendment, and for the reason that they are not sufficiently satisfied what salary should be paid to this counsel. The House passed a provision the other day giving him $10,000.

Mr. SPEER. Does the gentleman think the amount ought to be more than $8,000?

Mr. GARFIELD. A provision passed through the committee placing it at $10,000, but by some blunder it was left out in engrossing the bill.

Mr. O'BRIEN. I hope we shall concur in the amendment of the Senate.

Mr. HALE, of Maine. I want to say one word upon this question. This is a very important matter, requiring from the Government counsel ability of a first-class order. The professional ability, the professional labor, the professional time bestowed upon it in prosecuting these claims would bring to the person employed, I venture to say, ten times the amount that it is proposed to pay here. The employment is constant and continuous. The court is in session all the time. The cases are large and the items in them enormous, and the Government counsel needs to be vigilant. His responsibility is undivided. I do not believe that there is any law officer of the Government aside from the Attorney-General who has so much responsibility resting upon him as the counsel for the Government in these cases.

Mr. SPEER. The Attorney-General has $8,000 a year.

Mr. HALE, of Maine. The Attorney-Generel has assistants in every quarter. There is scarcely an important point anywhere where the Attorney-General has not an assistant; but the responsibility and labor of the Government counsel before this court of commissioners is undivided.

Mr. SPEER. I would ask the gentleman if the present counsel did not serve as Postmaster-General for $8,000 a year?

Mr. HALE, of Maine. Undoubtedly; he did.

Mr. BUTLER, of Massachusetts. And does he not have to pay for assistants?

Mr. HALE, of Maine. There is not a dollar that he will have to pay if this be passed.

Mr. BUTLER, of Massachusetts. Will he have nothing to pay?

Mr. HALE, of Maine. Not a dollar.

Mr. O'BRIEN. Does the gentleman from Maine consider the present counsel a lawyer of first-class ability?

Mr. HALE, of Maine. The gentleman from Maryland wants to know if I consider the present counsel of first-class ability. Well, I have not had that training in the law and have not that knowledge of the law that would enable me to judge what is the first-class ability which the gentleman from Maryland [Mr. O'BRIEN] possesses. I believe that the present counsel is a good lawyer. I believe that he is doing his duty. I believe that he is contending for the rights of the Government. I believe that he is making the best of every case that is presented before the commission. Whether or not he has been so unfortunate as to secure the withering censure of the gentleman from Maryland I do not know. If it had been known that he had, he would not undoubtedly have been put in this place.

Mr. MERRIAM. I have only one word to say, and that is to correct the statement made by the chairman. I had this provision put into the bill, and it was not $10,000, as the gentleman says, but it was that the maximum should not exceed $10,000. While we are on this point, I will ask the chairman a question. I understand that Mr. Creswell, late postmaster-general, is one of the commissioners of the Freedman's Bank, and receives $3,000 per annum for that. I want

to know if that is allowable under the law, or will he resign as commissioner provided we fix the compensation at this sum?

Mr. HALE, of Maine. Allow me to state to the gentleman that the counsel for the Government in this case is perfectly willing to give up the other matter; and if the House chooses to put a clause in to the effect that the officer here employed by the Government shall hold no other office under the Government and receive no other compensation, I for one will not object to it. But it is not good policy in so important a matter as this to be niggardly and to seek to limit the officer to a sum from which he cannot pay for assistants and cannot do his whole duty to the Government.

Mr. BUTLER, of Massachusetts. Will the gentleman yield to me for a moment?

Mr. HALE, of Maine. I will do so.

Mr. BUTLER, of Massachusetts. I desire to state to the House what was the idea of the Committee on the Judiciary when they fixed this salary. Here was a large number of cases to be brought before this commission; there are thirteen hundred and twenty of them; and the question was, how shall these cases be carried on on the part of the Government? How much work would have to be done, where it would have to be done, in what part of the country it would have to be done, under what circumstances it would have to be done, nobody could tell. Therefore the Committee on the Judiciary put this provision in the bill which has passed into a law, that the court after looking at each case should decide exactly what the counsel for the Government ought to have, and should decide exactly what the counsel for the defendant ought to have, so that both sides might be protected from exorbitant fees. Counsel for the Government of course must be paid for such clerical and other assistance as he ought to have. No man on earth could prepare twenty cases a day and then try them for four hours a day besides, and do it all alone. There is no other provision of law, if we pass this, by which he can have any compensation.

Mr. SPEER. I ask that a portion of the time be given to those opposed to this provision.

Mr. HALE, of Maine. I will yield first to the gentleman from New York, [Mr. POTTER.]

Mr. POTTER. I do not often agree with the gentleman from Massachusetts who has just addressed the House, [Mr. BUTLER,] but on this occasion I do. Here is a very large sum in the hands of the Government to be attacked by claimants from all parts of the country, assisted by able counsel. You must defend it either by a salaried officer or by an officer receiving fees. Now, to pay fees would be vastly more expensive than to pay an officer a salary of $10,000 a year. If he is a competent man, as I have no doubt he is, $10,000 a year is not too much. You cannot expect to get first-rate men for less, and you ought to have a first-rate man for this.

A MEMBER. You get members of Congress for $5,000 a year.

Mr. POTTER. You can get persons to come to Congress for $5,000 a year. But do they come here for their salaries alone, or for the honor? How is it with my friend from Pennsylvania [Mr. SPEER] and other members here?

Mr. ELDREDGE. Is not there something honorable in being counsel of the United States in reference to this $15,000,000? Does it not confer great distinction on a man, and make him a very prominent lawyer?

Mr. POTTER. When the place is offered to my friend from Wisconsin [Mr. ELDREDGE] he can make that calculation for himself. I think $10,000 a year is not too much, and I intend to vote for that sum.

Mr. HALE, of Maine. I now desire——

Mr. SPEER. I trust the gentleman will yield.

Mr. GARFIELD. I am compelled to take the floor.

Mr. HALE, of Maine. I yield the floor to the chairman of the Committee on Appropriations.

Mr. SPEER. I desire a few minutes.

Mr. GARFIELD. How much time does the gentleman want?

Mr. SPEER. Give me five minutes.

Mr. GARFIELD. Be as brief as possible; take four minutes.

Mr. SPEER. I have nothing to say against the ability of the present counsel, Mr. Creswell. But he is at present one of the commissioners of the Freedman's Bank, appointed by the President under existing law. He is also president of a national bank recently removed to this city from Hagerstown, Maryland. He is trustee of the Feedman's Bank, president of a national bank, and now counsel for the United States in the Alabama claims. I suppose that at this day he is in receipt of from $15,000 to $30,000 of professional salary.

Mr. CESSNA. Of what bank is he president?

Mr. SPEER. He has been recently elected president of a bank removed to this city, from which position Mr. Groom, of Maryland, has resigned.

Mr. CESSNA. That has been very recently.

Mr. SPEER. Mr. Creswell resigned his position of Postmaster-General with a salary of $8,000 a year for the purpose, as I am informed and as I believe, of accepting this other business. And when the Senate of the United States has said that $8,000 is enough, I think, in view of all the facts, that their judgment on this question should be accepted by this House. When we are asking the people to bear additional burdens, when Congress is asked to pass additional tax bills, we should not give any man a salary of $8,000, or $10,000 a year for services which can be had for less money than would obtain the services of gentlemen of the best legal talent in this land.

Mr. WILLIAMS, of Massachusetts. The gentleman does not pay one cent towards the salary of this officer.

Mr. GARFIELD. I yield one minute to my colleague on the committee, [Mr. STARKWEATHER.]

Mr. STARKWEATHER. This is on important matter in two views: First, as to the large number of cases; and, second, as to the amount of money involved. It seems to me that we ought to fix the sum; that we ought not to leave it indefinite. It would be difficult for the court to adjust the amount. I think we should either fix the salary at $10,000 or else let it go to a committee of conference to be arranged. Those cases in which the gentleman from New York [Mr. HALE] was appointed counsel on behalf of the United States involved only some two or three million dollars; yet he received a salary of $10,000 I believe.

Mr. HUBBELL. And eight dollars a day besides.

Mr. POTTER. And saved the Government a great deal of money.

Mr. STARKWEATHER. I think the pay of this officer should not be less than was allowed the counsel in that case. I believe it best that in these cases involving $15,000,000 we should give such compensation as will enable the counsel to attend entirely to this business. It seems to me that the amount fixed for Mr. HALE'S salary is the sum that should be fixed here.

Mr. LAWRENCE, of Ohio. Let me correct my friend. The British claims before the British-American mixed commission amounted to $90,000,000.

Mr. STARKWEATHER. No matter how that may be; the duties of counsel in connection with those cases could not have been more burdensome, could not have required more talent and constant attention than the duties in these cases. I think therefore that we should either leave this question in such a shape that the committee of conference can fix the amount at $10,000 or else we should fix it ourselves at that sum.

Mr. GARFIELD. I yield one minute to the gentleman from Maryland, [Mr. O'BRIEN.]

Mr. O'BRIEN. Mr. Speaker, I desire to say that I have no knowledge in regard to who is or may be counsel in these matters for the United States; and certainly I should be unwilling, unless there were abundant reason for it, to asperse the legal qualifications of a son of Maryland. I am satisfied that if nothing else would induce the gentleman who might be counsel in these matters to act up to the line of his entire duty as required by his employment, the fact that he drew his inspiration from Maryland would be all-sufficient. Therefore I am willing to commit this case to his hands; and as able lawyers all around me assert that the sum of $10,000 is fair for the services that will be required, I will not object to the payment of the same.

Mr. NIBLACK. I would remind the chairman of the Committee on Appropriations that unless we make more rapid progress in the consideration of these amendments we shall have to suspend the rules and act on the amendments *en masse*.

Mr. HALE, of Maine. I wish to say but one word. There may be a misapprehension here as to where the money comes from to pay this counsel. It does not come from the United States Treasury. It comes from the fund; it is to be settled by the tribunal itself. Now, it has been said here that this officer has already been receiving a large sum; but as I understand the tribunal has not passed upon any of the services rendered by the gentleman representing the Government, but is waiting to see the extent of the work and responsibility before settling the compensation. Up to this time he has not received a dollar.

Mr. LEWIS. I wish to ask the gentleman from Ohio [Mr. GARFIELD] whether this gentleman will be furnished with an office, with clerk hire and assistants, in addition to his salary?

Mr. GARFIELD. Nothing of that kind. If we fix his pay here it leaves him nothing else. I demand the previous question.

The previous question was seconded and the main question ordered, and under the operation thereof the amendment was concurred in, there being ayes 102, noes not counted.

The Clerk read the following amendment:

Strike out "fifty" and insert "twenty-five;" strike out "Clerk" and insert "Senate and twenty-five copies for the use of the House;" so that the paragraph will read as follows:

To enable the Clerk of the House to have prepared for the Public Printer copies of all the summary reports of the commissioners of claims in cases reported to Congress as disallowed under the act of March 3, 1871, of which twenty-five copies shall be printed and bound for the use of the Senate and twenty-five copies for the use of the House, $1,000.

Mr. GARFIELD. The House provided for printing fifty copies for the House. The Senate has changed the provision so as to give us twenty-five and themselves twenty-five. We recommend concurrence.

The amendment was concurred in.

The Clerk read the following amendment:

In line 373 strike out the word "successively" and insert the words "as needed for immediate use," so that the clause will read as follows:

To pay on behalf of the United States, as a portion of the general expenses of the District of Columbia, to be expended by the commissioners of said District, $1,060,000, only to be drawn as needed for immediate use.

Mr. GARFIELD. The Committee on Appropriations recommend concurrence in this amendment.

Mr. RANDALL. Why?

Mr. GARFIELD. A portion of this money is needed at once and must be rendered immediately available.

Mr. RANDALL. I hope the House will non-concur in all amendments of this character. This provision relates to moneys for the District of Columbia, the Government proposing to pay a portion and a portion to be paid from taxes collected by the board of commissioners from property-holders in this District. Now, what we want is this: as we pay a dollar that at the same time there shall be a dollar paid on the part of the people here; in other words, that they shall pay their proportion. If struck out it may occur, as it has occurred repeatedly before, the Government will be made to pay as in similar cases it has been made to do, before all it is required to pay for the year, and subsequently we will find we have not secured from the property-holders the amount of taxes collected from them, the sum which should come from them as their proportion.

Mr. GARFIELD. The gentleman's purpose is a good one, but the word "successively" is vague and does not describe the thing at all.

Mr. SMITH, of Ohio. That is a misprint; "concurrently" is the word, and not "successively."

Mr. RANDALL. I move to concur, with an amendment to insert "concurrently" instead of "successively."

Mr. GARFIELD. There is no connection at all making that clear or applicable. The Senate say instead of "successively" it will be better to insert the words "as needed for immediate use," so that they cannot anticipate, so that they cannot draw it out. It seems to me in this amendment the Senate has acted wisely.

Mr. RANDALL. The gentleman has stated my objection exactly. They will want immediately all the money we will give them.

Mr. GARFIELD. I do not say that. They ask only for $300,000.

Mr. RANDALL. They ask for $300,000 at once.

Mr. GARFIELD. That amount of the appropriation is to be made available from the passage of this act.

Mr. RANDALL. I say when we appropriate ten or twenty or fifty thousand dollars it should be coupled with a provision that there shall also be paid from the taxes collected a like sum. Otherwise you will have this District coming here at the end of the year asking more because it has not been collected from the people.

Mr. GARFIELD. Let us have a vote.

The House divided; and there were—ayes 69, noes 23.

So the amendment was concurred in.

The fifteenth amendment of the Senate was as follows:

And $300,000 of this sum shall be available from the passage of this act.

Mr. GARFIELD. The committee recommend concurrence in that amendment, as it provides for making $300,000 of the money available at once.

Mr. WILLARD, of Vermont. Is not that to supply a deficiency? Is it not giving on the part of the Government $300,000 more for the current fiscal year?

Mr. RANDALL. Certainly it is.

Mr. GARFIELD. Let us have a vote.

The amendment was concurred in.

The sixteenth amendment of the Senate was as follows:

To pay the interest on the 3.65 bonds issued under the act entitled "An act for the government of the District of Columbia, and for other purposes," $365,000: *Provided*, That certificates for claims presented and allowed under the sixth section of the act aforesaid shall be presented for conversion, as provided by the seventh section of said act within ninety days from the passage of this act, and, as to certificates of date subsequent to the passage of this act, within ninety days from the date of such certificate; and if not so presented, the privilege of thus exchanging shall not be exercised by any holder of such claim; and the sinking-fund commissioners of the District of Columbia are prohibited from issuing any bonds under the seventh section of the act hereinbefore referred to in exchange for any certificate unless presented within the time herein specified; and the salary of the commissioner of the sinking fund, acting as treasurer thereof, shall be $1,000 per annum.

Mr. GARFIELD. That is an appropriation of $365,000 to pay the interest on the bonds of this District, and the committee recommend concurrence. There is a long letter addressed to the chairman of the committee which we had not time to consider, and we have therefore moved non-concurrence.

Mr. SPEER. I want to have it understood that the House unanimously instruct the committee on this subject.

Mr. GARFIELD. You cannot do that to a committee of conference.

The amendment was concurred in.

The seventeenth amendment of the Senate was as follows:

And no work of art not the property of the United States shall be exhibited in the Capitol, nor shall any room in the Capitol be used for private studios or works of art, without permission from the Joint Committee on the Library, given in writing; and it shall be the duty of the architect of the Capitol extension to carry these provisions into effect.

Mr. GARFIELD. The committee recommend concurrence, and for one reason which the House will appreciate. The old Hall of the House has by a strange freak of the law been placed under the control of General Babcock, Commissioner of Public Buildings and Grounds, while the rest of the building is under the Architect of the Capitol. There ought not to be two parties controlling this Capitol.

The amendment was concurred in.

The eighteenth amendment of the Senate was as follows:

That section eight of the act approved June 23, 1874, "making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," be and the same is hereby, amended as follows: Insert the word "ounce" in lieu of the words "two ounces."

Mr. GARFIELD. This is a change of postage in regard to a certain kind of merchandise and meets the concurrence of the Committee on Appropriations.

The amendment was concurred in.

The nineteenth amendment of the Senate was as follows:

That the Secretary of State be, and he is hereby, authorized to rent, furnish, and keep suitable buildings, with grounds appurtenant, at Peking, for the use of the legation in China, at an annual cost not exceeding $5,000; that the period of such lease shall be for two or more years, and with renewals, as the Secretary of State shall determine; and that the sum of $5,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, therefor.

Mr. GARFIELD. That was passed in the deficiency appropriation bill. If passed in that bill it will be struck out of this.

The amendment was concurred in.

The twentieth amendment of the Senate was as follows:

To pay the clerk to the Committee on Private Land Claims, $2,220.

Mr. GARFIELD. The committee recommend non-concurrence.

The amendment was non-concurred in.

The twenty-first amendment of the Senate was as follows:

That hereafter the salary of the supervising surgeon-general of the United States marine-hospital service shall be paid out of the marine-hospital fund, at the rate of $4,000 per year; and the supervising surgeon-general shall be appointed by the President, by and with the advice and consent of the Senate.

Mr. GARFIELD. The committee recommend concurrence.

Mr. HOLMAN. I hope there will be non-concurrence in this amendment of the Senate. The present law fixes the salary at $2,000 a year. This amendment contemplates a very large increase. It is thought by the shipping interest that the tax is now oppressive. I think it will be admitted by my friend from Michigan, [Mr. CONGER,] whom I now see rising from his seat, that $2,000 is a pretty respectable salary. And then it is proposed that this increase of salary shall be paid out of this amount, which will have to be increased by excessive charges upon those connected with our commercial marine. It seems to me wholly unjustifiable. I trust this increase of salary will not be allowed. There is no necessity or excuse for it.

Mr. CONGER. This is a self-sustaining institution. The money for the marine-hospital service is raised from the vessel-owners and the sailors generally, a part of it being taken from the monthly wages of the sailors and a certain amount paid by the vessel-owners. For a long number of years that service has been unfortunate because it had no efficient head, no superintendent suitable for the office, which was divided among different officers. In passing the amended law, which provided for an increased payment per sailor, it was designed that there should be an officer who should superintend the whole marine-hospital service of the United States and be an efficient officer. There have been great reforms already under the officer now in charge. But the salary is entirely inadequate to command the services of a man of the knowledge and administrative ability required for that service. I am firmly of the opinion that an increase of his salary to $4,000 will be for the benefit of the service.

Mr. HOLMAN. Is it proposed to make any change in the superintendency?

Mr. CONGER. It is not. But any superintendent competent to manage such an extensive service should have a larger salary than is now attached to the office.

Mr. HOLMAN. Did not the gentleman now holding the office seek it two years ago at a salary of $2,000, and has he not held it at that from that time to this?

Mr. CONGER. But the gentleman will remember that the Committee on Commerce have repeatedly recommended an increase of the salary, and probably it was with the hope of that increase that the gentleman has continued in that service.

Mr. HOLMAN. I move to concur in the amendment with an amendment striking out $4,000 and inserting $2,000, the present salary.

The question being taken on the motion to concur with an amendment, there were—ayes 12, noes 96.

Mr. HOLMAN. I insist that there shall be a quorum on any increase of salary.

Mr. GARFIELD. If the gentleman will insert $3,000 in his amendment, I will agree to it.

Mr. HOLMAN. This gentleman begged for the office at $2,000 only two years ago. I agree, however, to the proposition of the gentleman from Ohio, and modify my amendment by making the amount $3,000.

The question being taken on concurring in the amendment with the amendment as modified, there were ayes 117, noes not counted.

So the amendment of the Senate was concurred in with an amendment.

The fortieth amendment of the Senate was as follows:

Strike out these words:

To enable and authorize the Department of Justice to aid the Commissioner of the General Land Office to recover certain lands, and the rents and profits thereof, known as the Rancho Panoche Grande, in California, as provided in the resolution passed by the House of Representatives on the 26th of January, 1875, $5,000, or so much as may be necessary therefor.

Mr. GARFIELD. The committee recommend non-concurrence, because the House had expressed its judgment in favor of this appropriation. Personally I am in favor of concurrence.

Mr. SMITH. I move to concur.

Mr. BUTLER, of Massachusetts. Here is the New Idria again. Let us see if we cannot get this property somehow for the United States.

The question being taken on concurring in the Senate amendment, there were—ayes 56, noes 52; no quorum voting.

Tellers were ordered; and Mr. GARFIELD, and Mr. BUTLER, of Massachusetts, were appointed.

The House again divided; and the tellers reported ayes 38.

Before the negative vote was completed,

Mr. GARFIELD said: I do not call for further count.

So the amendment of the Senate was not concurred in.

The forty-first amendment of the Senate was as follows:

In line 887 strike out "$50,000" and insert "$40,000;" so the paragraph will read:
For surveying the public lands in Montana Territory, at rates not exceeding fifteen dollars per linear mile for standard lines, twelve dollars for township, and ten dollars for section lines, $40,000.

Mr. GARFIELD. The Committee on Appropriations recommend concurrence.

Mr. MAGINNIS. I hope the amendment will not be concurred in. Nearly all the surveys in Montana are inside the grant to the Northern Pacific Railway. A settler cannot get lands. The House agreed to an appropriation of $50,000 for surveying the public lands in Montana, and I hope it will adhere to its action.

The question being put, the amendment of the Senate was concurred in.

The Clerk read the forty-second amendment, as follows:

In line 891, strike out "$50,000" and insert "$100,000;" so that the paragraph will read:
For surveying the public lands in Nebraska, at rates not exceeding fifteen dollars per linear mile for standard lines, twelve dollars for township, and ten dollars for section lines, $100,000.

Mr. GARFIELD. The committee recommend non-concurrence.

Mr. KASSON. I think we had better concur.

Mr. CONGER. This is one of the States where great numbers of settlers are going to acquire lands and homes. It is right that lands should be surveyed for those who desire to settle upon them.

Mr. GARFIELD. The committee recommend non-concurrence. In conference we may be willing, perhaps, to increase the amount somewhat, but not to put it up so high as $100,000.

Mr. KASSON. Proper provision should be made for surveys in those States where there are unoccupied public lands.

The question being put, the amendment of the Senate was non-concurred in.

The fifty-second amendment of the Senate was as follows:

After line 1003 insert the following:
And the telegraph companies having offices in the Capitol are directed to take from the Capitol grounds and the streets around the same all telegraph poles, and connect these lines with the Capitol by means of cables laid under ground; and further, that the Washington and Georgetown and the Metropolitan Railway Companies are directed to take up such portions of their tracks as may come in the way of the improvement of the Capitol grounds and relay the same as may be directed by the officers in charge of the improvements of the Capitol grounds. And the Architect of the Capitol is hereby directed to move from the Capitol grounds all stables, workshops, and other buildings which may be in the way of the improvements of said grounds.

Mr. GARFIELD. The Committee on Appropriations recommend concurrence.

Mr. DUNNELL. Does this compel the railroad companies to take up the tracks from the Capitol grounds?

Mr. GARFIELD. That is precisely what it declares.

Mr. CONGER. Then I object to that. There are some gentlemen fortunate enough to be able to come here in their own carriages and drive under the archways to the very doors of the Capitol. Those who have their own carriages can approach the Capitol as they choose. Those unfortunate enough not to have carriages are very willing to come up in the railroad cars to get as near the Capitol in that way as they can. If the object is to remove these tracks from the Capitol grounds entirely, I object to it, although I am objecting to it on behalf only of a few members who are not able to sport their own carriages.

The question being taken, the amendment was concurred in.

The Clerk read the fifty-sixth amendment of the Senate, as follows:

For the extension of the building for the Government Hospital for the Insane, $125,000.

Mr. GARFIELD. Now I desire to say a single word to the committee. I gave notice to the committee when they were debating this bill before that if that amendment was made in regard to soldiers from all parts of the country, it would be necessary for us to make a very large appropriation to extend this building; and it seems that what I said has become true very soon. The Senate here make an appropriation of $125,000 to extend this building. The Committee on Appropriations recommended non-concurrence in that amendment and propose to leave it to a subsequent Congress, and to confine the institution for the present to those who belong to the Army or belonged to the Army at the time they became insane.

Mr. BUTLER, of Massachusetts. The extension of the building here proposed is for a separate building for female patients; and we had very few female soldiers in the Army.

The amendment was non-concurred in.

The Clerk read the sixtieth amendment of the Senate, as follows:

For the National Association for the Relief of the Colored Women and Children of the District of Columbia, $10,000.

Mr. GARFIELD. We recommend non-concurrence in that amendment because we do not know enough about it. Perhaps it ought to be passed, but we prefer that the matter should be referred to the committee of conference.

The amendment was non-concurred in.

The Clerk read the sixty-third amendment of the Senate, as follows:

Strike out the following proviso:
Provided, That no money hereby appropriated, or any unexpended balance of former appropriations for the erection of military telegraph lines, shall be expended upon any line that cannot be completed by such appropriations herein or already made.

Mr. GARFIELD. The committee recommend non-concurrence in that amendment.

Mr. HANCOCK. I hope the House will concur in the amendment of the Senate. This paragraph relates to an appropriation for constructing telegraph lines and affording telegraphic communication between the posts on the frontier of Texas. It is very strongly recommended by the Secretary of War, and a considerable amount of work has already been done. Material has been purchased and is on the ground, and much of the work has been completed. This appropriation is estimated for by the officers of the signal stations at $55,000 as the amount necessary to complete the entire work of twelve hundred miles in extent. One hundred thousand dollars was appropriated for this work at the last session of Congress, so that the entire work will cost $155,000. The remainder of the appropriation of $88,000 is for lines in Arizona and New Mexico, Now, this proviso, as the Secretary of War has communicated to the Senate to-day and to some members of the Committee on Appropriations, would arrest the progress of the work, since it provides "that no money hereby appropriated, or any unexpended balance of former appropriations for the erection of military telegraph lines, shall be expended upon any line that cannot be completed by such appropriations herein or already made." As I learn, the Chief Signal Officer and the Secretary of War both think that it would be impossible to tell in advance the exact amount that the lines in Texas may cost. Hence they say that this proviso would make the appropriation heretofore made, as well as the appropriation now made, nugatory, and the whole work is to be stopped, the material left upon the ground where it is now placed, and this work, which is considered by the Secretary of War of great importance for the military operations, is not to be completed at all. I ask that we concur in the amendment of the Senate striking out the proviso.

Mr. GARFIELD. I am always glad to oblige my friend from Texas, and I might do so in this case at once if I were not satisfied that there is some other way to accomplish what he wants and what the Committee on Appropriations want. The Committee on Appropriations think it necessary to limit the expenditures on these telegraphic lines. We gave a large appropriation last year, and materials were purchased and lines projected that could not be finished under the then existing legislation. All that we propose to do is to say that they shall not project work in advance of appropriations or beyond the amount of the appropriations. We think that reasonable; but if the gentleman thinks that non-concurrence in this amendment would block the work, I will not insist on it.

Mr. HANCOCK. The proviso was put in for that purpose, and the Secretary of War notified the Senate to-day that that would be the effect of it.

Mr. GARFIELD. Does the gentleman himself believe that this would block the work?

Mr. HANCOCK. I do.

Mr. GARFIELD. Then I hope the House will vote down the motion to non-concur in the amendment.

The question was taken, and the amendment was concurred in.

The Clerk read the sixty-fourth amendment of the Senate, as follows:

To enable the Architect of the Capitol, under the direction of the Joint Committee on Printing, to construct a pneumatic tube between the Capitol and the Government Printing Office, $18,000, or so much thereof as may be necessary: *Provided*, That the tubes used shall be purchased of the lowest and best bidder for the interest of the Government.

Mr. GARFIELD. The Committee on Appropriations recommended non-concurrence on that amendment, as we have not heard enough about it to be able to judge whether it should be adopted or not.

The question was taken, and the amendment was non-concurred in.

Mr. GARFIELD. Now follow a number of amendments from numbers 67 to 80 inclusive, on pages 55 and 56, up to the second line of page 57, where the Senate has stricken out the provisions of the House for the payment of contestants and contestees in contested-election cases. The committee recommend non-concurrence in all of those amendments because the House put them in by a very decided majority.

Mr. HOLMAN. They all stand upon the same footing, and all are in defiance of the law of the last Congress. I therefore move that the House concur in the amendments of the Senate striking out these appropriations which were made in defiance of the policy of the last Congress, which was supposed at the time to be a great reform of a very great abuse.

Mr. SMITH, of New York. I desire to say a single word upon this subject. The House has expressed its opinion very emphatically that where contests are instituted in good faith and upon probable cause it is the policy of the House to pay actual disbursements. I do not suppose the House cares to review the decision it has made upon that

question. I desire to say this: that under the Constitution the House is the sole judge of the election, returns, and qualifications of its own members. And I think the attempt on the part of the Senate to prohibit payment by the House, or payment in accordance with a vote of the House, of the expenses of these contests is an impertinence which the House ought not to submit to. It is within our prerogative, and if we are the sole judges of the elections and returns of our members, then we are the proper judges of the evidence to be brought before us, and the compensation it is necessary for us to make to parties who have brought that evidence before us. I hope the House will non-concur in these amendments of the Senate.

The question was upon concurring in the amendment of the Senate; and upon a division there were ayes 31, noes not counted.

So the amendments were not concurred in.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes.

The message further announced that the Senate had passed, with an amendment in which the concurrence of the House was requested, a joint resolution of the House of the following title:

Joint resolution (H. R. No. 162) explanatory of an act, entitled "An act to fix the number of paymasters in the Army," approved March 2, 1875.

SUNDRY CIVIL APPROPRIATION BILL.

The House resumed the consideration of the Senate amendments to the sundry civil appropriation bill.

The eighty-fifth amendment of the Senate was read, to strike out the following:

To provide for the payment, under existing laws, for horses and other property lost or destroyed in the military service of the United States, $50,000.

The Committee on Appropriations recommended non-concurrence in the amendment of the Senate.

Mr. HOLMAN. This is, I suppose, to pay for horses lost by private soldiers during the late war. If so, then it would seem that an appropriation is necessary to provide for payment for such losses.

Mr. GARFIELD. There is a permanent appropriation that will meet nearly all these claims. The Committee on Appropriations put in this provision in the first instance with a view of putting on the statute of limitations, of establishing a bar against these claims, so that they might not be presented after a certain time. That limitation was stricken off in the House, and the Senate has struck this out.

Mr. CONGER. The Committee on Claims have before them several cases—perhaps one hundred, or two hundred, or three hundred claims for the loss of this kind of property—private claims. We have for two or three years been endeavoring to provide by general law for the class of claims which we considered as meritorious, but have failed as yet to do so. There are some cases pending now; some have been allowed and some have not. The amount here proposed to be appropriated is small enough to meet those now allowed and which will be allowed in the next Congress. There is no provision for their payment. This class of claims should have been considered long ago. When a private soldier has lost his own horse in the service of the Government, and by some technicality under existing law is unable to recover the value of his property, it is a tax on the patriotism of the men who not only themselves served the country but who took their own horses with them.

Mr. GARFIELD. The very argument the gentleman makes defeats itself. He speaks of the claims in Congress. Now every such claim that passes Congress carries an appropriation with it; those that do not pass do not require any appropriation.

Mr. MAYNARD. The expression used by the gentleman from Ohio [Mr. GARFIELD] that there is a general appropriation nearly large enough is suggestive that this should be adopted.

Mr. GARFIELD. A portion of the law has been repealed.

Mr. CONGER. Another thing: Some of these cases have been held back that might have been settled but for the difficulty of finding evidence. The evidence is now supplied, and there is no money to pay them.

Mr. GARFIELD. I quite agree with the gentleman from Michigan [Mr. CONGER] that there should be legislation on this whole subject. I believe the old law of 1849, made with special view to losses in the Mexican war, and which is the only law we have on the subject, ought not to require us to pay out year by year for old claims for horses lost away back in the Mexican war. I think we ought not to appropriate any more money than is appropriated in the regular appropriation bill until this law is fixed.

Mr. CONGER. But there is no appropriation to pay the claims allowed in the Departments under the existing law to soldiers who have incurred losses of this kind. From my knowledge of the subject, I think there has been more neglect and less care exercised in Congress in providing for this class of claims than any other. This appropriation will meet a few of those cases. I hope the House will not concur in the amendments of the Senate.

Mr. McCRARY. I also hope that the House will non-concur. I happen to have knowledge of a number of these claims which are as yet unadjusted. They have been filed, and the proof perhaps in some instances is sufficient; but if they be allowed by the Department, there is no money to pay them without an appropriation of this kind.

The question being taken, the amendment was concurred in.

The Clerk read the following amendment:

Strike out lines 1544 to 1547, as follows:

To enable the Secretary of War to acquire a full and perfect title to the "Brady collection of photographs of the war," and to secure by purchase the remainder now in the possession of the artist, $25,000.

Mr. GARFIELD. We recommend non-concurrence in the amendment of the Senate striking out this paragraph.

Mr. HOLMAN. I hope we shall concur.

Mr. BUTLER, of Massachusetts. I hope not; and I know my friend from Indiana [Mr. HOLMAN] would not so desire if he understood the case. The Secretary of War purchased from Mr. Brady, the photographer, a part of a gallery of photographs of all the scenes of the war and all the leading men in the war, a collection that must be very valuable hereafter in connection with the history of the war. The rest of this collection remained in Mr. Brady's hand. The title under which the Secretary of War purchased the part already obtained was acquired from forfeiture for non-payment of the storage. It is very doubtful whether the Secretary of War has a valid title. But that part of the collection has already been purchased; and now the object of this provision is to close up the whole thing and give the Government entire control of this collection, which would be worth at a commercial valuation more than $150,000.

Mr. MERRIAM. Then why does Mr. Brady sell it to the Government through this appropriation for $25,000?

Mr. HOLMAN. I do not think this is a sort of expenditure that this Government ought to make. Does any gentleman suppose that if the Government does not become the owner of this collection it is therefore lost to the country? Are we to assume that nothing which has connected with it anything of patriotic recollection must be a matter of private enterprise or private ownership? The truth is that for a Government in our condition, embarrassed financially, obliged to resort to heavy taxation to meet current expenses—for a Government in this position to make expenditures for any purpose not absolutely necessary seems to me entirely unwarranted and is in violation of the pledge made by one hundred and forty-nine members of this House, that during the present session no money should be appropriated except where imperatively required for the public service. I insist that there is no necessity for this expenditure; that it is not even warranted by good taste. To preserve and perpetuate the memories connected with the recent great struggle it is not necessary for us to take a collection of photographs here and there. Every city and town and village and hamlet in this country preserves and perpetuates whatever was valuable and glorious in the late struggle. It is not necessary that Congress should in this way burden still further the people of this country by oppressive taxation to do that which the people are taking care of themselves, and for the doing of which they will not thank us, when it involves additional taxation. I hope that an appropriation like this, even though it be only $25,000, will not be sustained by the House.

Mr. GARFIELD. I wish to say but a word; I dislike to detain the House at all. Here is a man who has given twenty-five years of his life (and the life of any man, however humble his station may be, is worth something considerable) to one great purpose—to preserving national monuments so far as photographic art can do it, with a view of making such a collection as nowhere else exists in the world. I suppose that this is the only collection that contains original photographic plates and ambrotypes and even the earlier daguerreotype plates of our Presidents, beginning away back as early as Jackson and coming down to the present time, embracing all the great executive leaders of this country, all the military and naval heroes during that period, as well as all the scenes of great national importance. This man went so far as absolutely to send his organization into the field, and some of his men were wounded in going so near the battle-field to take pictures of the fight that was going on.

Now, when a man has followed up a purpose like this, and finally has fallen into misfortune and become broken down in his property, so that this vast collection which a few years ago it was said ought to be worth one hundred or one hundred and fifty thousand dollars had to be sold to pay for storage in a warehouse where it was kept, the Government of the United States becoming a buyer for $2,500 and getting three-fourths of the collection for that sum—under these circumstances, I submit, this great Government should not take advantage of a man's distress. I do not mean to say that the Secretary of War did wrong in purchasing this collection in the manner he did; he did right; he ought to have purchased it wherever he could purchase it cheapest. But this Government, this Congress, ought not to stand by and say "we will take advantage of this citizen in his distress." I think that this provision of the bill ought to be retained. It is just, it is a good purchase for the Government of the United States, and it is a great mercy to a suffering and worthy man.

The amendment of the Senate was non-concurred in.

PAYMASTERS OF THE UNITED STATES ARMY.

Mr. ALBRIGHT. I move by unanimous consent to take from the Speaker's table a joint resolution (H. R. No. 162) explanatory of an act entitled "An act fixing the number of paymasters in the Army of the United States," approved March 2, 1875, which has been returned from the Senate with an amendment, in order that that amendment may be concurred in.

There was no objection, and the joint resolution was taken from the Speaker's table and the amendment concurred in.

LEGISLATIVE APPROPRIATION BILL.

Mr. MAYNARD. I rise to submit a conference report.

Mr. GARFIELD. I hope the gentleman will not insist on that now.

Mr. MAYNARD. I believe I have a right to submit a conference report at any time.

Mr. GARFIELD. It is not in order now as we are on the sundry civil appropriation bill.

Mr. MAYNARD. I believe it is order to submit a conference report at any time; that it is privileged.

Mr. GARFIELD. Let us finish this bill first.

Mr. MAYNARD. It is important this voluminous bill should go to the clerks for engrossment at this time.

Mr. GARFIELD. State what the bill is.

Mr. MAYNARD. It is the legislative appropriation bill.

Mr. GARFIELD. That has been enrolled, while this sundry civil appropriation bill has not been touched for enrollment. The legislative appropriation bill has been enrolled, excepting the single clause about which there has been disagreement between the two Houses. The moment it is passed it will go to a committee of conference, and then the gentleman can submit his report.

Mr. MAYNARD. It is not going to pass for hours.

Mr. GARFIELD. We are on the ninetieth amendment, and the rest will not give rise to any debate.

The SPEAKER *pro tempore*. The Chair declines to entertain the report of the gentleman from Tennessee at this time.

SUNDRY CIVIL APPROPRIATION BILL.

The ninety-fifth amendment of the Senate was as follows:

Strike out the word "members" and in lieu thereof insert "chairman;" so it will read:

Provided, That the Secretary of the Navy and the Secretary of the Treasury, Chief Engineer of the Army, and the chairman of the board of revision of taxes of the city and county of Philadelphia, in the State of Pennsylvania, &c.

Mr. GARFIELD. I move concurrence in that amendment, with an amendment striking out "the Chief Engineer of the Army." This relates to the sale of the navy-yard at Philadelphia and to the commission created by this bill for the purpose of making sale and conveyance of all the lands, docks, wharves, real property and appurtenances, rights, interests, and privileges of the United States included within the limits of, and known as the navy-yard in the city of Philadelphia, in the State of Pennsylvania. We propose to strike out "the Chief Engineer of the Army," and with that to concur in the amendment of the Senate.

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

ENROLLED BILLS.

Mr. PENDLETON, from the Committee on Enrolled bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

Joint resolution (H. R. No. 162) explanatory of an act entitled "An act fixing the number of paymasters in the Army of the United States," approved March 2, 1875;

An act (H. R. No. 2073) restricting the refunding of customs duties and prescribing certain regulations of the Treasury Department;

An act (H. R. No. 3884) granting a pension to Mary C. Toy;

An act (H. R. No. 3923) authorizing the Secretary of War to deliver certain condemned ordnance to the Joseph Warren Monument Association of Boston, Massachusetts, for monumental purposes; and

An act (H. R. No. 4858) to authorize the Commissioner of Patents to sign the certificate of extension of letters-patent No. 28470, granted to Frederick T. Grant, May 29, 1860, upon a sliver machine.

SUNDRY CIVIL APPROPRIATION BILL.

The one hundred and first amendment of the Senate was as follows:

For continuation of building for custom-house at New Orleans, Louisiana, $100,000.

Mr. GARFIELD. This amendment provides for an appropriation of $100,000 for continuing the building for custom-house at New Orleans, Louisiana, and the Committee on Appropriations are distressed about the matter as to whether it shall be concurred in or non-concurred in. They are as tired over it as I am physically now. We have continued that building for over twenty years. We have voted at least eight times to complete it, sometimes to complete the building and then to complete the continuation. In that city many years ago there was a curious board called commissioners on settlement, not as might be supposed a commission for the settlement of the town, but it was a commission in reference to the settling of this custom-house building, to keep an account of how many feet the building settled, sunk into the ground at one end and the other from year to year. This committee on settling drew their salary with great regularity and the United States built on a few tiers of stone every time it sunk. A few years ago they changed the plan of it a little and enlarged it and our expensive friend Mullett went down and enlarged the plan still more and put on more stories. He had a fine marble cash-room constructed. Brother DAWES, when on the Committee on Appropriations, completed this building two or three times. I think Elihu B. Washburne finished it once or twice and I know the venerable Thad. Stevens since I have been here completed it several times. I think my committee completed it twice. Yet the Senate now proposes we shall continue it and make an appropriation of $100,000 for that purpose. Whether we ought to do it or not is the question. It strikes me that we ought to non-concur.

Mr. SHELDON. The gentleman from Ohio mistook his calling. He would have made a splendid novel writer. There never was a single appropriation to complete this building. During the war there was no appropriation for the purpose of continuing it. There was no appropriation before the war to complete it; and I challenge the gentleman to produce any authority for his statements.

As to having a committee on settlement down there, it is utterly absurd. There never was such a committee. The building settled evenly if it settled at all, and I believe it did a little.

I will say, Mr. Speaker, if there has been any mistake as to the amount required to complete this building, it has not been the fault of the people of that State or their representatives upon this floor, but of the Supervising Architect.

Mr. BUTLER, of Massachusetts. The engineer board had it in charge before the war.

Mr. SHELDON. Mullett has not put on any additional stories. He is cutting down the building. He has changed it, not to make it larger, but smaller, and I assert what I know to be the fact, that no man to-day can enter the United States circuit court without danger of breaking his leg. I can appeal to my friend from Ohio [Mr. FOSTER] and every member of the committee who went into the court-room at any time, and especially after dinner.

The fact is it is not in a proper condition to do the public business, and there ought to be this appropriation to complete it. I do not know why the Committee on Appropriations has taken such a prejudice, unless it be that there is a general prejudice against the whole affairs of Louisiana. But now since we have had two committees go down there, and they have both come back, and through their exertions the people have got together, I think there should be forgiveness and peace. So far as I am concerned, I will not ask another appropriation for that building or for any other purpose if this one is granted.

Mr. GARFIELD. I guess we may agree to give this.

The amendment was concurred in.

Mr. GARFIELD. The amendments of the Senate numbered 102 and 103 are the same, applying in one case to the building at Chicago and in the other to the building in Cincinnati. These amendments strike out the following limitation put in by the House:

Provided, That the cost of said building, when completed, shall not exceed the limitation now fixed by law, $3,500,000, exclusive of cost of site; and the Architect of the Treasury shall prosecute the work upon said building upon such plans and specifications as that the same, when fully completed, shall not exceed said limitation.

We recommend non-concurrence. Perhaps the clause as it stands is not altogether wise. If not, we shall try to fix upon some one that is.

Mr. SAYLER, of Ohio. I desire to call the attention of the chairman of the committee to one feature of this. I see no objection to the limitation being retained here as found in the law providing for the construction of these buildings. But I do not understand at all a clause which provides that—

The Architect of the Treasury shall prosecute the work upon said building upon such plans and specifications as that the same, when fully completed, shall not exceed said limitation.

All our public buildings at Philadelphia, Chicago, and Cincinnati have been constructed on plans submitted by the Supervising Architect to other officers of the Government. And if this means that the new Supervising Architect shall have absolute control of the plans of public buildings, I do not think this wise legislation at all. And I suggest to the chairman of the committee that at least that clause should be stricken out. I see no objection to limiting the expenditures on these buildings to the amount originally fixed. I hope the matter will be arranged in the way I have suggested.

Mr. GARFIELD. We can non-concur, and I will bear in mind the suggestion the gentleman has made

I desire here to say that in my speech on the sundry civil appropriation bill, February 25, I quoted seven paragraphs from an editorial in the New York Tribune of January 21 in reference to expenditures, appropriations, and unexpended balances under the Supervising Architect of the Treasury Department. Before doing so I sent the Tribune article to the Assistant Secretary of the Treasury and asked specific official information on the subject. In order to exhibit the full scope of the Tribune criticism, I placed in the CONGRESSIONAL RECORD the seven paragraphs in full and collated from the official letter and table of the Treasury Department seven paragraphs, each intended to be a full and fair response to *the Tribune article seriatim*.

The Tribune rejoins in its issue of February 27, asserting that in my response I made no less than four distinct misrepresentations of its position, namely:

First. In my reply to the second paragraph of the Tribune article, I called attention to the fact that the Tribune represented that the $14,774,573 available July 1, 1873, was the unexpended balance of prior years, and showed from the letter of the Assistant Secretary of the Treasury that only about six and a quarter millions of this sum were in fact balances of former years. I therefore held that the paragraph exaggerated the amount of such balances to the extent of eight and a half millions.

The Tribune confounds this reply with the statement in its third paragraph, that had no reference to the balances of July 1, 1873, nor to the appropriations for 1874, (the two together made the $14,774,573,) with the appropriations for 1875, which was the only subject in its third paragraph. I cannot see that in this I have misrepresented the paragraph, for the Tribune statement was erroneous and misleading.

Second. The Tribune alleges that I misrepresented the statement in its fifth paragraph by representing it as asserting that the balances of July 1, 1873, and the appropriations for 1874, together amounted to $23,131,098. I find, on a re-examination of that paragraph and my reply to it, that I mistook the meaning of the editor, and did unintentionally misrepresent him, and I take pleasure in saying so.

I was misled by the Tribune's language, which was that "the balances of July 1, 1873, being added to the $8,356,525 of fresh appropriations made in 1874, give an aggregate of $23,131,098." The words "*appropriations made in* 1874" led me to suppose that the editor referred to the appropriations *for* 1874, and his aggregate of $23,131,098 seemed to be the sum of the balances for 1873 and the appropiations of 1874. But this aggregate is in fact the old balances of 1873 plus the appropriations for the two fiscal years 1874 and 1875.

Third. The Tribune says:

> In one paragraph of his speech (Mr. GARFIELD's) he makes us give the appropriation for 1875 at $8,350,000, and in another place he makes us give it at $12,340,000. We have never stated them at the latter amount.

That I did not misrepresent the Tribune may be seen from the first portion of the Tribune's sixth paragraph in the article of January 21, which is as follows:

> From the above summary it appears that although the appropriations made for public buildings were $12,341,944 for the year ending June 30, 1874, &c.

Here is a declaration of the Tribune, to which I responded by saying that that was not the sum appropriated for the year ending June 30, 1874.

I do not see how the Tribune can say that it has never stated them at the latter amount.

Fourth. The Tribune alleges that I have misrepresented its article when I say that the balance standing to the credit of the Supervising Architect January 20, 1875, was $5,803,089.80, and not $15,000,000, as stated by the Tribune. On this the editor says:

> We have said nothing about the balance standing to the credit of the Supervising Architect on January 20, 1875. The $15,000,000 balance was stated to have existed June 30, 1874.

In answer, I call attention to the seventh paragraph in the Tribune's article of January 20, beginning with these words:

> The vast sum, $15,000,000, which the Supervising Architect is authorized to expend, &c.

This appeared to me to imply that that much was now available, and the official table shows that on the 20th of January, the day previous to the publication of the Tribune articles, the balance standing to the credit of the Supervising Architect was $5,803,089.80. I give this latter sum as the Treasurer's response to what I supposed the Tribune meant in its seventh paragraph. If that was not the Tribune's meaning, its language was unfortunate.

And now comes a second article in the Tribune, of March 1, containing three paragraphs on this subject. The first attacks the correctness of the letter and table of the Assistant Secretary of the Treasury. Whatever may be the merits of that controversy, it has no bearing upon my fairness in the case. I however call attention to this feature of that paragraph: It is insisted that the Secretary of the Treasury in his letter to me does not include, among other things, buildings and grounds of the Naval Academy; repairs, fuel, refurnishing and lighting the Executive Mansion; improvements of building of Government Hospital for the Insane; but none of which things are now, and never were, under the control of the Supervising Architect of the Treasury, whose expenditures alone were in controversy.

In the second paragraph the Tribune of March 1, refers to the expenditures for arsenals; and asks whether General GARFIELD considers the structures at these arsenals "public buildings." Certainly they are public buildings; they are part of the public works constructed and maintained by the War Department, as really as are the harbors under the same Department; as really as are the light-houses under the Light-House Board. But they do not relate to the controversy in hand, namely, the expenditures for public buildings under the Supervising Architect of the Treasury.

Third, the Tribune refers to a paragraph in the annual report of the Supervising Architect of the Treasury of 1873. If there is a discrepancy between that report and the official table furnished me by the Treasury Department, I am not aware of it. I have not had time to examine the alleged discrepancy and do not now make any assertion in regard to it. I am only concerned with the question of the fairness of my statements in criticising the Tribune article. Wherein I have misrepresented, I have frankly acknowledged it; and in doing this I have not wandered from the topic under discussion; nor have I said anything which merits the closing suggestion of the Tribune article, that I am now less willing to believe in the truth than at any other period of my life.

The records of this House will show how earnestly, and not altogether in vain, I have striven to reduce the expenditures of the Government generally, and particularly extravagant expenditures on public buildings. That they have been extravagant and that they are already too great, I have been foremost to declare; and in this I have needed and desired the support of public opinion. Instead of that it is quite the fashion to blame me with the extravagances I have tried to prevent rather than to give me the fair credit I have deserved in so far as my resistance has been successful. I hardly think it will be generally denied that there was a time when the Tribune was more willing than it now is to see worthiness in the efforts of those who are faithfully striving to curb and limit the extravagance of the Government.

The question being taken on the Senate amendments numbered 102 and 103, they were not concurred in.

Mr. GARFIELD. We ask non-concurrence in the amendments of the Senate numbered 106 and 107, which propose to strike out the limitations in reference to the public buildings at Philadelphia and Raleigh.

The amendments were non-concurred in.

The one hundred and eighth amendment of the Senate was as follows:

> After line 1831, insert the following:
> For completion of building for custom-house and post-office at Trenton, New Jersey, $100,000.

Mr. GARFIELD. The amendment numbered 108 appropriates for the completion of the building for the custom-house and post-office at Trenton, New Jersey; and the amendment numbered 109 appropriates for the building at Grand Rapids, Michigan.

The committee recommend non-concurrence in those two. When I state the reason, I think gentlemen will agree that it is sufficient. For Trenton the whole amount provided by the original act has been appropriated. The Senate proposes to go beyond that $100,000. The building at Grand Rapids, Michigan, is in the same condition, and the amendment proposes an additional appropriation of $50,000. We propose non-concurrence, believing that in conference we may adjust the matter, and if we do not give the whole we may give a part.

Mr. DOBBINS. I should regret exceedingly if this amendment of the Senate, appropriating $100,000 for the completion of the building for a custom-house and post-office at Trenton, should not be concurred in. The building is up to the second story, and is now in such a condition that it must be a serious disadvantage not to go forward with the work of completing it. The plan of the building has been decided upon; the foundation has been laid; and, as I have stated, the building is now up to the second story. It would be most unfortunate indeed if it should have to be left open another winter exposed to the weather. The probability is that this appropriation will very nearly or quite finish the building. It will certainly inclose it.

Trenton City is the capital of the State, and the number of inhabitants is between thirty and forty thousand. The entire southern part of the State, as is known, is bounded by the ocean; and on this account there is necessarily a great deal of business done by the United States courts there. The building is intended partly for the accommodation of the courts. With the city of Philadelphia on one side and the city of New York on the other there is great risk of smuggling, and it is a very important matter that the building for the accommodation of the courts as well as for the custom-house and post-offices be completed. I am informed by the postmaster that Trenton pays into the Treasury through the post-office something over $20,000 a year. It occurs to me therefore, as a practical man, that it would be a very serious disadvantage not to have this appropriation made. It is sufficient to inclose the building, and as I understand nearly sufficient, if not quite, to entirely finish it.

I hope the House will concur in the Senate amendments.

The question being taken on concurring in the Senate amendment, there were ayes 28, noes not counted.

So the amendment was not concurred in.

The one hundred and ninth amendment of the Senate was as follows:

> After line 1836 insert the following:
> For continuation of building for custom-house and post-office at Grand Rapids, Michigan, $50,000.

Mr. GARFIELD. There is a little pious fraud in the language used here, "continuation of building." My friend from Michigan [Mr. WILLIAMS] is aware that there has not been even a plan made; the first thing has not been done. There has been nothing except the purchase of a site. Let us not depart from the truth by enacting into solemn law the declaration that we are to appropriate for continuing a building that we have not begun.

Mr. WILLIAMS, of Michigan. I do not desire to apologize for any departure from the truth which there may be in the language of the Senate amendment. I do think, however, that this is properly a

continuation of an appropriation for this public building. An appropriation was made last year of $70,000 for a building at Grand Rapids. The site has been purchased, and this is to continue the work already commenced by the General Government. I do not see that there would be any piety in refusing the appropriation.

The amendment was non-concurred in.

Mr. GARFIELD. The amendments numbered 111, 112, 113, and 114 cut down the appropriations for furniture and repairs, for carpets, for fuel, light, and water, for heating-apparatus, for vault, safes, and locks, &c., for public buildings under the control of the Treasury Department. The Committee on Appropriations do not believe that this reduction can be made without making it necessary to bring in a deficiency. We desire the House to non-concur in those amendments.

Mr. HOLMAN. Those five items, all of them being of the same general character, for furniture, fuel, heating-apparatus, vaults, safes, &c., for public buildings under the control of the Treasury Department, amount to the very large sum of $800,000. We have been making enormous appropriations for these purposes of late years, and it seems to me that the reductions proposed to be made by the Senate are not unreasonable. Our extravagance in these matters has been too manifest. It has been the subject of very grave and serious comment all over the country, and especially where these public buildings are located The Senate proposes to reduce the aggregate amount to the extent of $175,000.

Mr. KELLOGG. The gentleman from Indiana says that these items sum up $800,000. The actual figures give only $225,000. You may freeze to death in the winter by cutting this off.

Mr. HOLMAN. I repeat that the various paragraphs under this head, appropriating for furniture, lights, heating-apparatus, &c., for these public buildings, sum up $800,000. If the gentleman will add the figures together he will ascertain what is the fact.

Mr. GARFIELD. The gentleman from Connecticut [Mr. KELLOGG] is generally very correct, but he is mistaken this time. The gentleman from Indiana [Mr. HOLMAN] is undoubtedly correct in his figures.

Mr. HOLMAN. The Senate proposes to reduce this sum $175,000. The sentiment is very prevalent that we are extravagant in our appropriations, and I hope the amendment made by the Senate will be concurred in. Six hundred and twenty-five thousand dollars is a sum quite large enough for those purposes.

Mr. GARFIELD. I desire to say only one word more. I have two or three times, at the close of a session, been told by friends on the other side that my economy was a thing of an hour, only intended to affect an election, and that what we reduced one year would be brought up the next time in the shape of a deficiency. Now, I will say to the gentleman plainly that these matters of fuel and light and heating-apparatus, &c., most of the matters in these items are things we cannot control. They have got to have about so much. There are one hundred and thirty-five buildings over which the Treasury Department has control; and for heating and lighting and furnishing and putting in vaults and safes and locks, &c., for all of these one hundred and thirty-five buildings $800,000 is not perhaps too large a sum. And from the experience I have had in the last few years I am fully persuaded that if this appropriation is cut down the gentlemen who will have charge of these subjects next winter will have to pass a deficiency bill or else suffer the whole of our buildings to remain cold and dark during the winter. And what would be the result? It would be said that this had been done because this republican House wanted to get up a show of economy and had left the next House to supply their deficiencies.

Mr. HOLMAN. I pledge my friend from Ohio my word that that statement shall not come from me. I am confident that the amount proposed to be voted by the Senate is large enough. I know that we have encouraged extravagance of expenditures for the buildings under the control of the Treasury by our lavish appropriations of public money. We have made large appropriations for furniture not at all required. I insist that we can afford to run the risk of a deficiency on an item like this.

Mr. GARFIELD. I will compromise with the gentleman by agreeing with the amendment in relation to furniture.

Many MEMBERS. O, no!

Mr. GARFIELD. All right; then I ask the House to non-concur in all the amendments.

The question was taken upon concurring in the series of amendments, and there were 20 in the affirmative.

Before the noes were counted,

Mr. HOLMAN said: I will not call for a further count if the reduction by $50,000 of the appropriation for furniture be agreed to.

Mr. GARFIELD. Very well; let it be so.

The motion was agreed to.

Mr. GARFIELD. I will say that the amendment of the Senate No. 116 relates to what is known as the Kellogg bill for the reorganization of the Treasury Department, which was attached by the House to this bill. The Senate have stricken out that portion of the bill, and the Committee on Appropriations recommend non-concurrence.

Mr. HOLMAN. I hope the House will concur in the amendment of the Senate so far as it relates to the general increase of salaries in the Treasury Department. I presume the ground of objection on the part of the Senate to this portion of the bill was not so much that there was some reduction in the number of employés as that there was a general increase of salaries of the higher officers in the Treasury Department. I suppose that was the motive of the Senate in striking out this portion of the bill. It seems to me that a general increase of salaries is scarcely warrantable on an appropriation bill. The offices of the Treasury, the auditorships and others, have been filled by persons whose duties have been well performed. I trust the House will concur in striking out all this increase of salaries.

Mr. GARFIELD. I hope we may have a vote; it is getting very late.

The amendment of the Senate was not concurred in upon a division—ayes 12, noes not counted.

The one hundred and nineteenth amendment of the Senate was to reduce from two months to one month the extra pay to clerks and employés discharged from Executive Departments in Washington on account of reductions of force made necessary by legislation of Congress.

Mr. GARFIELD. The Committee on Appropriations recommend concurrence.

Mr. BUTLER, of Massachusetts. I hope not. These men who are turned out in consequence of our legislation, and from no fault of their own, ought to have something to enable them to get home.

The amendment of the Senate was concurred in.

The remaining amendments of the Senate were disposed of as recommended by the Committee on Appropriations.

Mr. GARFIELD. I move that a committee of conference be requested of the Senate upon the disagreeing votes of the two Houses upon this bill.

The motion was agreed to.

CIRCUIT COURT IN NEVADA.

Mr. PAGE. I ask unanimous consent to have taken from the Speaker's table and passed Senate bill No. 1282. It simply changes the place of holding the United States circuit court in Nevada from Carson City to Virginia City.

Mr. RANDALL. I object.

OVERCHARGE OF DUTIES ON TONNAGE AND IMPORTS.

Mr. DAWES. I ask unanimous consent to report from the Committee on Ways and Means House bill No. 3828, to provide judicial remedies for overcharge of duties on tonnage and imports. The Committee on the Judiciary reported the bill in the first place, and it was referred to the Committee on Ways and Means. That committee have instructed me to report the bill back with a recommendation that it pass, with an amendment providing that nothing in the bill shall be construed to change existing laws in regard to the appraisement of goods. That amendment obviates the objection to the bill. I ask that the bill as amended be now passed.

No objection was made, and the bill was amended and passed.

WILLIAM N. DENNY.

Mr. NIBLACK. I ask unanimous consent that the House now consider and pass Senate bill No. 560, for the relief of William N. Denny, major of the Fifty-first Indiana Volunteer Infantry.

The bill directs the Paymaster-General of the United States Army to pay to William N. Denny, late major of the Fifty-first Regiment of Indiana Volunteers, the pay and emoluments of a major of infantry from June 30, 1863, the date his commission was received at headquarters of the command to which he belonged, to May 15, 1865, the date of his muster in as lieutenant-colonel, as if he had been mustered in as major on the date of the receipt of his commission, first deducting whatever sum may have been paid him as captain during the period for which he is hereby allowed as major.

No objection was made, and the bill was passed.

PONTON BRIDGE ACROSS THE MISSISSIPPI.

Mr. DONNAN. I ask unanimous consent for the House now to take up and pass Senate bill No. 1230, to authorize the construction of a ponton bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa. This bill has been considered by the Committee on Commerce and is unanimously recommended by them.

Mr. DUNNELL. I object.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. DURHAM. I ask unanimous consent to have taken from the Speaker's table and passed at this time Senate bill No. 1349, amending the charter of the Freedman's Savings and Trust Company. It has passed the Senate unanimously, and forty-two thousand depositors are depending upon our action on this bill to obtain their money, or a portion of it, from this company. I ask that it be taken up and passed for the benefit of these colored people.

Objection was made.

ENROLLED BILLS SIGNED.

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

An act (S. No. 28) to set apart a certain portion of the island of Mackinac, in the Straits of Mackinac, within the State of Michigan, as a national park;

An act (S. No. 378) granting to railroads the right of way through the public lands of the United States;

An act (S. No. 524) to protect ornamental and other trees on Government reservations and on lands purchased by the United States, and for other purposes;

An act (S. No. 608) granting the right of way through the public lands to construct and maintain a railroad;

An act (S. No. 671) for the relief of Alexander Minor, of West Virginia;

An act (S. No. 710) for the relief of E. Laws, chief engineer, United States Navy;

An act (S. No. 807) for the relief of Washington Crosland;

An act (S. No. 867) to correct a clerical error in the act granting the right of way through the public lands to the Denver and Rio Grande Railway Company, approved June 8, 1872;

An act (S. No. 878) for the relief of Rosa Vertner Jeffreys;

An act (S. No. 898) to authorize the settlement of the accounts of Passed Assistant Paymaster E. Mellach, United States Navy; and

An act (S. No. 912) to annex certain lands to reservation No. 2, occupied by the Department of Agriculture.

HON. JOHN YOUNG BROWN.

Mr. RANDALL. I rise to a personal explanation. Some time ago a stormy scene occurred in this House during an exciting session upon a very exciting subject. In that connection I ask the Clerk to read a letter which I have placed in his hands.

The Clerk read as follows:

810 TWELFTH STREET,
Washington, D. C., March 3, 1875.

MY DEAR GENERAL: I beg again to express my regret that my severe and long-continued illness has prevented my taking any part in rectifying by the action of the House the injustice which I am fully convinced was done your friend, Mr. JOHN YOUNG BROWN, by the resolution of censure moved by myself.

In my conversation with you on the last day I was in my seat, some weeks ago, I expressed my conviction that so far as that resolution imputed to Mr. BROWN any intention of prevarication or double dealing in his response to the Speaker, I was satisfied, on a review of the record itself and in view of my own distinct recollection of the language uttered by Mr. BROWN, that I, in common with the majority of the House, had been misled and had done injustice to Mr. BROWN.

The record itself I know to be incorrect in making his language preceding his allusion to the case of Burke a direct charge upon a person not then named, when in fact it was stated as a hypothetical case. I was watching with intense care every word that Mr. BROWN uttered, and know that it was put hypothetically, and not as a direct charge.

His response to the interrogatory of the Speaker, followed by his subsequent application of his remarks to Mr. BUTLER, impressed me at the time as a prevarication and an unfair response, which enabled him to finish his sentence which would otherwise have been stopped by the Speaker.

But a careful examination of the record since, qualifying it by my own distinct recollection, satisfies me that I did a great wrong to Mr. BROWN in imputing this intent to him, and that there was nothing in his response to the Speaker inconsistent with entire good faith or with the integrity of an upright and honorable man.

I regret that I could not have stated this conviction of mine upon the floor of the House, and have thus aided in wiping out the undeserved imputation upon Mr. BROWN in this regard inflicted by my resolution; but my continued illness has kept me from my seat now for nearly four weeks, and will prevent my taking it again during the session.

I am glad to have the opportunity of expressing myself thus freely and unreservedly to you, especially in view of the opinion I have always entertained of Mr. BROWN as a gentleman of the most perfect integrity and honor, though doubtless sometimes excitable and impulsive, as I think he was on the occasion in question.

I shall never hesitate to express freely the conviction I have above expressed to you, and if anything contained in this letter will, in your judgment, be of service to Mr. BROWN, I beg you to consider the letter entirely at your service for any use whatever which you or other friends of Mr. BROWN may think proper to make of it.

With sentiments of the highest regard for yourself, I am, very truly, your obedient servant,

ROB: S. HALE.

Hon. T. T. CRITTENDEN.

Mr. RANDALL. Now, Mr. Speaker, we are about to part; and it is better that we should not leave behind us any relic of ill-feeling. If I should receive any encouragement from the other side, I would desire to make a motion, a proposition (it would better come from the other side) to relieve the record of that portion of the censure which charges the gentleman from Kentucky [Mr. BROWN] with "prevarication."

Mr. NEGLEY. I hope, if the gentleman makes such a proposition, he will not base his application upon that trashy letter. If he will appeal to our sympathies——

Mr. BUTLER, of Massachusetts. I desire to send a paper to the desk and have it read for the action of the House.

Mr. NEGLEY. If my colleague appeals to our feelings or sympathies——

Mr. RANDALL. I have no appeal to make, except what I say for myself upon this floor.

PAY OF COMMITTEE CLERKS.

The SPEAKER. The Clerk will read the resolution sent to the desk by the gentleman from Massachusetts, [Mr. BUTLER.]

The Clerk read as follows:

Resolved, That the Clerk of the House be directed to pay to the several clerks to committees of the House who are paid during the session only a sum equal to two months' salary from the 4th instant; the same to be paid from the contingent fund of the House.

Mr. SPEER. O, withdraw that.

Mr. BUTLER, of Massachusetts. I move that the rules be suspended to pass this resolution.

The SPEAKER. The Chair hears no objection, and the resolution is adopted.

Mr. SPEER. To obtrude such a matter at this time is unworthy of the gentleman from Massachusetts.

HON. JOHN YOUNG BROWN.

Mr. NEGLEY. I did not rise to make any objection to the request of my colleague—not in the slightest degree. But if it was the intention of the gentleman from New York [Mr. HALE] to acknowledge that he inflicted upon the member from Kentucky a wrong——

Mr. RANDALL. I do not yield to the gentleman.

Mr. NEGLEY. He certainly has inflicted upon this House a very singular communication.

Mr. DAWES. I observe, Mr. Speaker, that the gentleman from Kentucky is himself in the Hall; and he can at once put the House in such a position that it will be most glad to wipe out anything that reflects upon his honor.

Mr. TODD. I desire in connection with this question to call the attention of the House to the fact that when the censure was about being pronounced upon the gentleman from Kentucky he was asked whether he had any explanation to make to the House of the language he had used. He declined to make any explanation, and said that he stood by the words he had uttered.

Mr. DAWES. Mr. Speaker——

Mr. RANDALL. I withdraw the subject from the consideration of the House.

Mr. DAWES. I should like to add——

Mr. RANDALL. I withdraw the subject from the consideration of the House.

Mr. DAWES. I have the floor, I believe, and I would like to add——

Mr. BARRY. Has not the subject been withdrawn?

Mr. DAWES. So far as I am personally concerned——

Mr. BARRY. If the subject has been withdrawn I call the gentleman to order.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] has withdrawn the matter.

Mr. DAWES. I would like to add that, so far as I have had personally any connection with this matter, nothing would delight me more, as I am about to leave this House, than to contribute to the wiping out of whatever there is in that resolution that is painful to the gentleman from Kentucky; and I wish to state to the House that I have endeavored heretofore, and before the attention of the House was called to it by the gentleman from Pennsylvania, to find some possible ground upon which I could ask the House to do it.

If I have failed to find that ground, sir, it has not been for want of earnest, honest effort on my part. I look upon it as an opportunity for the gentleman from Kentucky to put himself before this country in a light in which every gentleman would like to have himself put. And I call upon his friends here in this House to do courteously what he is unwilling to do himself.

Mr. RANDALL. I want to remind the House that on yesterday we rescinded upon our record the resolution censuring General CAMERON; and the House to-day in a spirit of truth passed a resolution of thanks in the most exalted terms to yourself, Mr. Speaker, and I did hope, having done all this yesterday and to-day, I would be met in a better spirit than has been manifested on this occasion. Magnanimity seeems to be all on our side.

Mr. DAWES. I will be the first to move to wipe out that whole resolution if the gentleman from Kentucky will present himself to this House in the manner in which the public judgment asks him to present himself.

Mr. CLYMER. As far as the judgment of the public is concerned as to what the gentleman from Kentucky said on the occasion referred to, it is that he was right. It was true, even if it was unparliamentary.

Mr. DURHAM. I demand the regular order of business.

Mr. TODD. I ask the House to hear me a moment.

Mr. DURHAM. I demand the regular order.

Mr. TODD. I only wish to say——

Mr. DURHAM. I object to his saying a word.

Mr. TODD. I ask to make a statement.

Mr. DURHAM. Well, I have no objection to the gentleman himself, but I call for the regular order of business and do object to this matter proceeding further.

Mr. TODD. Have I not a right to make a statement?

The SPEAKER. And the gentleman from Kentucky has a right to object.

Mr. DURHAM. And I do object, and insist on my objection.

Mr. KELLOGG. I ask unanimous consent to submit a resolution to be referred to the Committee on Printing that the obituary addresses in regard to the deceased members of this House, made some days ago, be printed.

Mr. DURHAM. I object to anything out of the regular order of business.

ALLEGHENY VALLEY RAILROAD COMPANY.

The next business on the Speaker's table was the bill (S. No. 996) for the relief of the Allegheny Valley Railroad Company.

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to the Allegheny Valley Railroad Company the sum of $7,232.75, a balance due to said company, as per account balanced upon the books of the Post-Office Department, for transportation of the mails in the years 1868 and 1869, which cannot be paid until an

appropriation is made therefor, the balances of the appropriations for those years having been covered into the Treasury under the provisions of the act of July 12, 1870.

Mr. HOLMAN. This seems to be out of the regular order of proceedings on the part of the Post-Office Department and ought to be considered by some proper committee before it is taken up in this House for action. I therefore object to the bill.

Mr. NEGLEY. I move to suspend the rules and pass the bill.

Mr. SPEER. We have five minutes' debate on this bill I believe. The bill itself is right, and I hope the gentleman from Pennsyvania [Mr. NEGLEY] will say a word in explanation of it.

Mr. NEGLEY. This is merely in settlement of the balance due that company which the company failed to draw from the Treasury in time. The unexpended balances were covered into the Treasury. It is a debt due on the part of the Government in favor of this company and ought to be paid.

Mr. HOLMAN. Why was it not paid in the current fiscal year?

Mr. NEGLEY. The accounts of the company were not settled at the time the unexpended balances were covered into the Treasury, and that is the only reason why it was not paid.

Mr. HOLMAN. It is clear to my mind, Mr. Speaker, that this is not any matter concerning the regular transportation of the mails, for if it had been it would have been paid for quarterly under the laws regulating our mail transportation.

Mr. SPEER. In 1870 or 1872 a law was passed requiring all of the unexpended balances to be covered into the Treasury, and before that law was passed the accounts were not settled quarterly.

Mr. HOLMAN. If there can be furnished any official information in reference to this matter I should like to see it.

Mr. SPEER. The Senator from my State, who lives in the same town with myself, Senator SCOTT, considered the case carefully and reported this bill to the Senate, and on his recommendation it was passed and sent to this House. I believe it to be a sum honestly due to this company, and I hope the bill will be passed.

Mr. HOLMAN. It is likely that this money is due to this company, but there is no official evidence of the fact before the House. In all these cases we ought to have some facts before the House before we are called upon to act upon any such measure.

Mr. SPEER. The report of the Senate committee will show it ought to be passed.

The House divided; and there were—ayes 65, noes 25.

So the rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.

JAMES JACKSON.

The next business on the Speaker's table was the bill (S No. 755) to relieve James Jackson, of Georgia, of his political disabilities.

The question was put on the passage of the bill, and (two-thirds voting in favor thereof) the bill was passed.

PRINTING OF EULOGIES.

Mr. KELLOGG. I ask unanimous consent to offer a resolution.

Mr. RANDALL. I object to anything but the regular order. I am willing, however, that the resolution shall be read.

The resolution was read and agreed to, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That ten thousand copies of the eulogies delivered in the two Houses of Congress upon the death of the late members of this House, Messrs. Hooper, Hersey, Crocker, and Rice, be printed in the usual form; seven thousand of which shall be for the use of the House of Representatives, and three thousand for the use of the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. GORHAM, its Secretary, announced that the Senate had passed the river and harbor appropriation bill with amendments; in which he was directed to ask the concurrence of the House of Representatives.

RIVER AND HARBOR APPROPRIATION BILL.

On motion of Mr. SAWYER, by unanimous consent, the amendments of the Senate to the river and harbor appropriation bill were non-concurred in, and a committee of conference asked upon the disagreeing votes of the two Houses thereon.

The SPEAKER. Is there objection to allowing the gentleman from Kentucky [Mr. DURHAM] to take from the Speaker's table the bill amending the charter of the Freedman's Savings and Trust Company?

Many members objected.

Mr. GARFIELD. I hope the gentleman from Kentucky will be allowed to take up that bill; it is a very important bill.

Mr. RANDALL. I must insist on the regular order.

The SPEAKER. It is in the power of the House to rescind the order under which it is acting by a two-thirds vote.

Mr. MERRIAM. I move that it be rescinded for the consideration of the bill of which the gentleman from Kentucky has charge.

The SPEAKER. That could not be done, but of course the order can be set aside by a two-thirds vote.

Mr. MERRIAM. I hope it will be rescinded.

Mr. DURHAM. I am not asking to take up this bill out of the regular order. If the House will go on with the regular order of business it will soon be reached.

COLORADO TERRITORY.

The next business on the Speaker's table was the bill (S. No. 909) approving an act of the Legislative Assembly of Colorado Territory.

Mr. BUTLER, of Massachusetts. There can be no objection to that bill.

The bill was passed, two-thirds voting in favor thereof.

FRANCIS M. STRONG AND THOMAS ROSS.

The next business on the Speaker's table was the bill (S. No. 1094) for the relief of Francis M. Strong and Thomas Ross.

The bill, which was read, provides that Francis M. Strong and Thomas Ross, of the State of Vermont, shall have leave to make application to the Commissioner of Patents for an extension of patent for an improvement in weighing-scales of the date of the 24th of May, 1859, for the term of seven years from and after the expiration of the original term of fourteen years for which the patent was granted, such application to be made in the same manner and have the same effect as if the same had been filed not less than ninety days before the expiration of the original patent, and upon such application so filed the Commissioner of Patents is authorized to consider and determine the same in the same manner and with the same effect as if the application had been duly filed within the time prescribed by law and the original term of the patent had not expired.

The bill provides further, that no persons shall be held liable for infringements of said patent if extended, or making use of the invention since the expiration of the original term of said patent prior to the date of its extension.

Mr. SMART. I desire to state that this case was considered by the Committee on Patents of the House and that I was authorized to make a favorable report upon it.

Mr. BUTLER, of Massachusetts. I must object to the bill. I am not sitting up here to extend patents. I do not think that we should extend patents this time of day.

Mr. SMART. I can state in a moment all there is in this case. These gentlemen were entitled to an extension under the old law, but failed to get it through owing to an error of a clerk in the Patent Office. They supposed that their application had been filed and they afterward discovered that it was not.

Mr. SAYLER, of Indiana. I doubt very much whether any member of the Committee on Patents knows what this patent is for. There was no proof showing what it was for, except that it was for an improvement in scales. It has been the rule of the Committee on Patents that before granting an extension of a patent there should be some showing of what the patent has paid before the patentee goes before the Commissioner for an extension. In this case there is not the smallest scintilla of evidence showing how much these parties have made. So far as the House is informed, they may have made $50,000 or $100,000, and they may not have made a dollar, or they may have lost $10,000. There was no evidence to show as to how much the patentees have realized out of this invention in the fourteen years, so that there is here a fatal defect to my mind.

Sir, these parties are not in default on this occasion for the first time. In 1870 they were before Congress asking relief for another default. It occurs to me that after their default four or five years ago they should have shown more promptness and carefulness on this occasion; or if not that, they ought to have disclosed to the House and country upon what sort of grounds they predicated their present application. I take it that it should be shown that they have not received sufficient remuneration from their patent during the fourteen years during which it has existed, and in reference to that there is not a word of proof.

[Here the hammer fell.]

Mr. CONGER. The House, I presume, will not doubt that the Committee on Patents have been very careful in their recommendations to the House, so much so that I think one proposition to extend a patent or not—more than one—has been presented to the House this session. The committee have examined a bill similar to the one now on the Speaker's table, and we found that but for the fault or neglect of an officer in the Patent Office this extension would have been granted on regular application under the law. A misunderstanding arose from the fault and neglect on the part of one of the officers of the Government, and the committee thought that these parties should not be deprived of the right they had under the old law on account of that neglect or fault on the part of one of the officers of the Patent Office, and therefore they have prepared a report recommending this bill when reached upon the Speaker's table, adding their recommendation to the action of the Senate. This is a patent for an improvement in platform-scales, and so far as the committee had any information they did not find out that the public ever paid much or the parties received much.

But, independent of that, the parties had a right to an extension of their patent under the law except for the neglect to which I have alluded, and therefore the committee say that it is but just that they should have the right to go before the Commissioner with the same rights which they would have had but for the fault of an officer of the Government.

Mr. SAYLER, of Indiana. If the attorney of these parties failed in his duty they have a remedy against him in damages.

Mr. MOREY. There can be no doubt that this is a very "scaly" case.

The question was taken on the passage of the bill, and on a division there were ayes 23, noes not counted.

So (two-thirds not voting in favor thereof) the bill was rejected.

EQUALIZATION OF BOUNTIES.

Mr. GUNCKEL. I rise to a privileged report. I submit a report from a committee of conference.

The Clerk read the report, as follows:

The committee of conference of the two Houses on the disagreeing votes on the bill (H. R. No. 3341) a bill to equalize the bounties of soldiers who served in the late war for the Union, having met, after full and free conference, have agreed to recommend to their respective Houses—

That the House recede from its vote non-concurring in the amendments of the Senate, and agree to the same.

LEWIS B. GUNCKEL,
JOHN COBURN,
CHARLES A. ELDREDGE,
Managers on the part of the House.

JOHN A. LOGAN,
H. HAMLIN,
GEORGE E. SPENCER,
Managers on the part of the Senate.

Mr. GUNCKEL. I will state that when I first returned to the floor of the House it was said that there would be a recess until eight o'clock, and I then said to my colleague on the committee from Wisconsin [Mr. ELDREDGE] that I would not call the report up until that time. He and other gentlemen interested in this question have left the Hall, and I do not want to take any advantage of their absence.

The SPEAKER. The report is highly privileged, and the gentleman can withhold it until that time.

Mr. GARFIELD. Has a message been received from the Senate in regard to the appointment of a conference committee upon the sundry civil bill?

The SPEAKER. Not yet.

Mr. GARFIELD. I was going to say that if it had we might take a recess for a time.

WASHINGTON AND OHIO RAILROAD COMPANY.

Mr. SMITH, of Virginia, by unanimous consent, from the Committee on Railways and Canals, reported back with the recommendation that it do pass the bill (S. No. 1098) to aid the Washington and Ohio Railroad Company in the construction of their road to the Ohio River; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

GOVERNMENT OF THE NAVY.

The next business on the Speaker's table was the bill (S. No. 706) to amend section 1422 of the Revised Statutes of the United States relating to the better government of the Navy.

The bill provides that the seventeenth section of the act approved July 17, 1862, shall be so amended as to read as follows:

SEC. 17. That it shall be the duty of the commanding officer of any fleet, squadron, or vessel acting singly, when on service, to send to an Atlantic or to a Pacific port of the United States, as their enlistment may have occurred on either the Atlantic or Pacific coast of the United States, in some public or other vessel, all petty officers and persons of inferior ratings desiring to go there at the expiration of their terms of enlistment, or as soon thereafter as may be, unless, in his opinion, the detention of such persons for a longer period should be essential to the public interests, in which case he may detain them, or any of them, until the vessel to which they belong shall return to such Atlantic or Pacific port. All persons enlisted without the limits of the United States may be discharged, on the expiration of their enlistment, either in a foreign port or in a port of the United States, or they may be detained as above provided beyond the term of their enlistment; and that all persons sent home, or detained by a commanding officer, according to the provisions of this act, shall be subject in all respects to the laws and regulations for the government of the Navy until their return to an Atlantic or Pacific port and their regular discharge, and all persons so detained by such officer, or re-entering to serve until the return to an Atlantic or Pacific port of the vessel to which they belong, shall in no case be held in service more than thirty days after their arrival in said port; and that all persons who shall be so detained beyond their terms of enlistment, or who shall, after the termination of their enlistment, voluntarily re-enter to serve until the return to an Atlantic or Pacific port of the vessel to which they belong, and their regular discharge therefrom, shall receive for the time during which they are so detained, or shall so serve beyond their original terms of enlistment, an addition of one-fourth of their former pay: *Provided*, That the shipping articles shall hereafter contain the substance of this section.

The bill was passed, two-thirds voting in favor thereof.

SURVIVORS OF THE POLARIS.

The next business on the Speaker's table was the bill (S. No. 843) for the relief of the survivors of the Polaris.

The bill directs the proper accounting officers of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to the survivors of the Polaris engaged in the Arctic exploration under command of Captain Charles F. Hall, their widows or minor children, and in the order named, a sum of money in addition to that already paid equal in amount to one year's pay which each would have been entitled to respectively if continued in the service, under the rules and regulations prescribed by the Secretary of the Navy for said exploring expedition; and that Mercy Ann Hall, widow of Captain Hall, be paid a sum equal in amount to two years' pay which her husband would have received if living and continued in the service as before provided; and that the sum of $360 each be paid to Joe Eberbing and Hans Hendrick, Esquimaux, who rendered valuable assistance to that part of the ship's crew rescued from the ice-floe on or about the 30th day of April, 1873; said payment to be made direct to each individual claimant upon satisfactory evidence of his identity; provided, that if any sale, assignment, or transfer shall be made of any interest in the gratuity provided by this act, the amount so assigned shall revert to the Government of the United States.

Mr. ARCHER. That bill is recommended by the Committee on Naval Affairs. I hope it will be passed.

Mr. STARKWEATHER. I do not desire to oppose this bill, but I wish to say this: instead of giving to Eberbing, the Esquimaux, the sum of $360 for services of great value, he certainly ought to be paid as much as any one named in the bill. He was indeed the party who saved those who were on the ice. There are many petitions from geographical societies and eminent men in the country asking that Congress recognize his services. But it is now impossible to amend this bill without defeating it on account of the lateness of the session. Hereafter I have no doubt Congress will do justice to Eberbing.

Mr. ARCHER. If this bill should now be amended it will be lost between the two Houses.

Mr. KELLOGG. Let us give him what we can by this bill.

Mr. STARKWEATHER. So far as he himself is concerned he would prefer to be left out of the bill entirely, rather than have merely $360 given to him. Every one who has examined the subject says that he should receive the highest sum named in the bill. He has been of great service and has made great sacrifices and is more entitled to compensation than any man named in the bill, and he is turned off with a mere pittance. That is not the fault of the committee of this House, for the bill came from the Senate. The committee of this House do not recommend any amendment to the bill because it might lead to its being lost between the two Houses. But I have been requested by Eberbing to say that he preferred being left out of the bill.

Mr. ARCHER. If the bill should be amended and thereby lost, it would work injustice to others who were exposed for months on the ice.

Mr. STARKWEATHER. I do not wish to do that.

Mr. ARCHER. This can be rectified in the next Congress if any wrong is done.

Mr. STARKWEATHER. Nothing prevents my moving an amendment except that the bill would thereby be lost, and deserving men would not receive what it is proposed to give them.

Mr. SCOFIELD. I move to suspend the rules and pass the bill.

The rules were suspended; and the bill passed, two-thirds voting in favor thereof.

WAGON-ROAD IN UTAH.

The next business on the Speaker's table was the bill (S. No. 1166) granting the right of way over the public lands for the construction of a wagon-road in Salt Lake County, Utah Territory.

Mr. PAGE. I move to lay the bill on the table.

The SPEAKER. That motion is not necessary; the bill can be laid aside.

The bill was returned to the Speaker's table.

GEORGE W. ANDERSON.

The next business on the Speaker's table was the bill (S. No. 1147) for the relief of Courtland Parker as administrator of George W. Anderson, deceased.

The bill directs the Secretary of the Treasury to pay to Courtland Parker, as administrator of George W. Anderson, the sum of $13,254.67, being the amount received into the Treasury of the United States, under certain proceedings and decree in the southern district of New York, undertaken to condemn the stock and dividends of said Anderson in the Minnesota Mining Company, the Rockland Mining Company, the Superior Mining Company, and the Steel River Mining Company, the same being in full for all claims and demands of said Parker as administrator, or the heirs or representatives of said estate, against the United States, connected with or in any manner growing out of said claim, for which a receipt shall be taken in full by the proper officer of the Treasury.

Mr. POTTER. That bill, if I understand the case, should pass. I will be glad to explain it if any explanation is needed.

Mr. MERRIAM. We will take your statement that it is right.

Mr. HOLMAN. I ask that the bill be again read, or some explanation be made of it.

Mr. POTTER. I would be willing to explain the bill if anybody wishes to hear it explained.

Many MEMBERS. Vote; vote.

The question was taken on suspending the rules and passing the bill; and upon a division there were—ayes 35, noes 15.

Mr. HOLMAN. No person seems to know anything about this bill, and I must insist upon a quorum to pass it.

Mr. POTTER. Allow me to state what the facts are. This man Anderson was a loyal citizen of Savannah. During the war he was absent in the city of New York. Certain shares of mining stock were there held in his name. One Mudgett, an informer and spy, applied for the condemnation of the property on the ground that Anderson was disloyal. It appears that the proceeding was wholly irregular and erroneous; but the court condemned the property, awarding to Mudgett his half as informer, while the other half, about $10,000, was paid into the Treasury of the United States. After the war was over Anderson returned. He brought suit against Mudgett, showed that the allegations that had been made against him were absolutely false, and recovered from Mudgett his share of the property. If the United States had been su ble he would have recovered from the United States the other half, but the Government not being suable in such a case, he comes to Congress and asks that he be paid back the sum that the Government received.

Mr. HOLMAN. Then this bill covers the amount that went into the Treasury upon this confiscation.

Mr. POTTER. It covers that amount with interest. The sum that went into the Treasury was $10,311.84. The sum named in the bill is somewhat larger.

Mr. HOLMAN. What is the amount named in the bill?

Mr. POTTER. Thirteen thousand two hundred and fifty-four dollars.

Mr. HOLMAN. I think that the money which was paid into the national Treasury as the result of this confiscation ought to be refunded to the person whose property was sold; but only the actual amount so paid into the Treasury should be returned. For years past it has been the practice of the Government—I may say without variation—not to allow interest on claims.

Mr. POTTER. If anything is due to this man for the wrong committed upon him by the United States at the instance of this informer, it is the amount which the United States actually received, together with interest at 6 per cent.

There being no objection, the bill was passed.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. BABCOCK, one of his secretaries, announced that the President had approved and signed bills of the following titles:

An act (H. R. No. 3912) to reduce and fix the Adjutant-General's Department of the Army;

An act (H. R. No. 4730) providing for the payment of certain employés of the House of Representatives;

An act (H. R. No. 4856) to change the name of the port of Nobleborow to Damariscotta;

An act (H. R. No. 2093) for the relief of General Samuel W. Crawford, and to fix the rank and pay of retired officers of the Army;

An act (H. R. No. 4680) to further protect the sinking fund and provide for the exigencies of the Government;

An act (H. R. No. 4441) making appropriations for the support of the Military Academy for the year ending June 30, 1876;

An act (H. R. No. 4840) for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876, and for other purposes;

An act (H. R. No. 78) granting a pension to Salem P. Rose, of North Adams, Massachusetts;

An act (H. R. No. 330) granting a pension to Mrs. Penelope C. Brown, of Tennessee, widow of Stephen C. Brown, late a private of Company C, Eighth Tennessee Cavalry Volunteers;

An act (H. R. No. 580) granting a pension to Rosalie C. P. Lisle;

An act (H. R. No. 801) for the relief of L. R. Strauss, of Macon City, Missouri;

An act (H. R. No. 4857) extending the privilege of the Library of Congress to the Regents of the Smithsonian Institution;

An act (H. R. No. 4141) to make East Pascagoula, in the State of Mississippi, in the district of Pearl River, a port of delivery for said district;

An act (H. R. No. 4820) authorizing the Wisconsin Central Railroad Company to straighten the line of their road;

An act (H. R. No. 4829) for relief of Willow Springs Distilling Company, of Omaha, Nebraska;

An act (H. R. No. 3276) granting a pension to Davenport Downs;

An act (H. R. No. 3703) granting a pension to Catharine Lee, widow of Jesse M. Lee, private Company B, Second Regiment Ohio Volunteers;

An act (H. R. No. 3688) granting a pension to William O. Madison;

An act (H. R. No. 3698) granting a pension to William C. Davis;

An act (H. R. No. 3704) granting a pension to Mary E. Stewart;

An act (H. R. No. 3706) granting a pension to Margaret H. Pittenger;

An act (H. R. No. 1644) granting a pension to Hannah E. Currie;

An act (H. R. No. 2685) for the relief of John Aldredge;

An act (H. R. No. 3435) to provide for the sale of the buildings and grounds known as the Detroit arsenal, in the State of Michigan;

An act (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes;

An act (H. R. No. 4850) authorizing the appointment of gaugers for the customs service at the port of Philadelphia;

An act (H. R. No. 4853) to change the name of the pleasure-yacht Dolly Varden to Clochette;

An act (H. R. No. 4861) granting a pension to Louis Heinley;

An act (H. R. No. 4734) to establish certain post-roads; and

An act (H. R. No. 3711) granting a pension to Martin D. Chandler.

HOLY CROSS MISSION, DAKOTA TERRITORY.

The next business on the Speaker's table was the bill (S. No. 411) for the relief of the Holy Cross Mission in the Territory of Dakota.

The bill was read. It authorizes and directs the Secretary of the Interior to withdraw from sale or settlement, under the provisions of the pre-emption and homestead laws of Congress, one hundred and sixty acres of the public lands situated in sections 13 and 18, township 138, range 49, and section 18, township 138, range 48, as were included within the limits originally claimed and improved for the mission school-buildings, church, cemetery, &c., now occupied by the founders of the Holy Cross Mission at said place; the said land to include all school and church buildings and the cemetery thereon occupied.

By the second section the Secretary of the Interior is further authorized to grant to the said Holy Cross Mission board the aforesaid land, for the sole and exclusive use of said Holy Cross Mission; provided that this shall not affect any *bona fide* claimant to said lands or any portion thereof.

There being no objection, the bill was passed.

RIGHTS OF BRITISH SUBJECTS.

The next business on the Speaker's table was the bill (S. No. 959) providing for the appointment of a commission to ascertain the right of subjects of Great Britain to lands in the territory which was the subject of the award of the Emperor of Germany, under treaties of 1846 and 1871, &c.

Mr. TOWNSEND. I desire to say that a bill almost exactly like this was reported from the Committee on Public Lands at the last session and passed. A commissioner was appointed and has made his report. I do not think we ought to pass this bill.

The bill was laid aside.

FRANCES A. ROBINSON.

The next business on the Speaker's table was the bill (S. No. 271) for the relief of Frances A. Robinson, administratrix of the estate of John M. Robinson, deceased.

The bill was read. It authorizes the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Frances A. Robinson, administratrix of the estate of John M. Robinson, late of Independence, in the State of Missouri, deceased, the sum of $2,000 in full for use and occupation of the foundery of the deceased, and property taken therefrom for the use of the United States Army, during the years 1862 and 1863.

Mr. ELLIS H. ROBERTS. Does this bill come from any committee? If it is not approved by a committee I must object to it.

Mr. COMINGO. I hope there will be no objection to that bill. It should have become a law long ago.

Mr. WILLARD, of Vermont. Let us have some explanation of it.

Mr. COMINGO. In 1862 and 1863 the Army occupied the building in reference to which this charge is made, and destroyed some $20,000 of property, consisting of engines and machinery of one kind or another. They continued to occupy this building for a year or two as quarters. The committee in the Senate have cut down the claim from $20,000 and only report in favor of allowing $2,000 for rent and for machinery used. The claim has been before the committee of this House at one time and another and reported favorably upon by two or three committees. The Senate committee are unanimous in their report in favor of $2,000.

Mr. WILLARD, of Vermont. Has it been before a committee of this House?

Mr. COMINGO. It has; one or two Congresses preceding this.

Mr. WILLARD, of Vermont. Has there been a favorable report on it?

Mr. COMINGO. It has been reported on favorably by two committees, if not three.

Mr. WILLARD, of Vermont. Is it on the Private Calendar?

Mr. COMINGO. It has not been during this session. It has been reported on favorably two or three times, as I am informed. I trust there will be no objection to it. It is only to pay $2,000, when the property destroyed was worth $20,000.

The rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.

METHODIST EPISCOPAL CHURCH, WEST VIRGINIA.

The next business on the Speaker's table was the bill (S. No. 295) for the relief of the trustees of the Methodist Episcopal church at New Creek, West Virginia.

The bill, which was read, directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to James Carskadon, P. M. Dayton, R. S. Dayton, James I. Barrick, Edmund Duling, and William Warner Smith, trustees of the Methodist Episcopal church at New Creek, Mineral County, West Virginia, to be used for church purposes only, the sum of $1,000, for the occupation and conversion to the use of the Army of the United States of the house of worship of said church at that place as a bakery, by the Commissary Department, from the 1st day of April, 1862, until the 28th day of November, 1864, under orders of the proper officers of the said Army, on which last-mentioned day the said house of worship, being so occupied, was destroyed by the rebel army.

Mr. WILLARD, of Vermont. Has this bill been reported by any committee?

Mr. HOLMAN. Mr. Speaker, members of the House of course perceive in passing bills of this character they come in conflict with the rule usually acted on, and that is that property so occupied in the actual theater of war by the Federal troops and subsequently destroyed by the rebel forces does not create a claim against the United States for which compensation should be made. Favorable action taken on this would in effect establish a new precedent.

Mr. KELLOGG. I wish to say if my friend from Indiana had a Methodist Episcopal church or any other church in his district which had suffered in the war by destruction of its property it would have received compensation long ago. I know the rule laid down in these matters, but all these rules have exceptions. I do not know about

this particular case; but in other like cases we have broken through the rule.

Mr. HOLMAN. My friend from Connecticut overlooks the facts in this case. I infer this was in the actual theater of war. If it is now proposed to pass this bill as a precedent, and it is understood we are to pay for all this sort of damage and spoliation, of course hundreds of millions will be necessary. It does not matter whether the State was in insurrection or not; but the question is whether this property was in the actual theater of war. Where the Government of the United States actually occupied property coming within its reach, the destruction of that property does not, according to the doctrine recognized by the House, create a claim for which the Government is responsible.

Mr. KELLOGG. I wish to say a word in regard to these war claims. I have gone for every claim coming from the gentleman's State, and agreed to pay for every tea-vine and huckleberry-bush destroyed by the rebels in his district. I wish to say that I would have been more liberal on war claims than I should have been if it were not for my associates.

Mr. HOLMAN. At no time was it the theater of war.

Mr. HAWLEY, of Connecticut. Let me say there is a bill now upon the Speaker's table half a page behind this bill which we ought to reach and pass to-night in common decency to the forty thousand depositors of the Freedman's Bank; but unless we go along in order I do not see how it can be reached to-night. My colleague, the gentleman from Kentucky, [Mr. DURHAM,] on the Committee on Banking and Currency, has it in charge; and although he has tried more than once to get it up, he has always been met with objection.

Mr. CONGER. I think we had better have a division on the bill now before the House.

The House divided; and there were—ayes 50, noes 29.

So (two-thirds not voting in the affirmative) the bill was not passed.

FREEDMAN'S BANK.

Mr. HAWLEY, of Connecticut. I now ask that my colleague on the committee [Mr. DURHAM] may be permitted to call up the Freedman's Savings Bank and Trust Company bill, in order to put it on its passage.

Mr. RANDALL. I object. The colored members of the House do not want it passed.

Mr. RAINEY. Not unless it is amended, and there is no chance now for amendment.

Mr. HAWLEY, of Connecticut. There is a difference of opinion as to the first two sections.

The SPEAKER. The gentleman from Connecticut will observe, unless the order be reversed, the bill to which he refers would require a two-thirds vote to make it in order. It will be reached sooner than the gentleman expects by going on regularly.

GEORGE W. DAWSON.

The next business on the Speaker's table was the bill (S. No. 819) for the relief of George W. Dawson.

The bill, which was read, directs that the Secretary of the Treasury pay, out of any money in the Treasury not otherwise appropriated, to George W. Dawson, late collector of the fifth internal-revenue district in the State of Maryland, the sum seventy-two dollars, the amount taken from his deputy collector, Frederick A. Dawson, in the month of July, 1864, by confederate troops under command of General Early.

The rules were suspended, two-thirds voting in favor thereof, and the bill was passed.

PEASLEY & M'CLARY.

The next business on the Speaker's table was the bill (S. No. 821) for the relief of Peasley & McClary, of Nashua, New Hampshire.

The bill was read.

The SPEAKER. Has any member charge of this bill? If there be none it will be laid aside.

The bill was laid aside.

ANGELINE LOGAN.

The next business on the Speaker's table was the bill (S. No. 889) for the relief of Angeline Logan.

The SPEAKER. Is there any gentleman who has charge of this bill? [After a pause.] The bill will be laid aside without action.

J. MONTGOMERY AND T. E. WILLIAMS.

The next business on the Speaker's table was the bill (S. No. 951) for the relief of John Montgomery and Thomas E. Williams.

Mr. SPEER. I ask that that bill may be put upon its passage.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to John Montgomery and Thomas E. Williams the sum of $2,000, in full of all claims against the Government of the United States for damage, destruction, or appropriation of their property in Virginia, near the end of the Long Bridge, during the late war.

Mr. WILLARD, of Vermont. Has that bill been considered by a committee?

Mr. SPEER. If the bill is not objected to I need not say anything in support of it. It is an honest bill.

Mr. WILLARD, of Vermont. I should like to hear some explanation of it.

Mr. SPEER. The gentleman from Vermont surely knows that I never asked for the passage of private bills unless I believed them to be right.

Mr. WILLARD, of Vermont. I do not dispute that. I only desire to have this bill explained.

Mr. SPEER. Two of my constituents, John Montgomery and Thomas E. Williams, at the beginning of the war came down from a county in my district and rented a hotel and farm on the Virginia side of the Long Bridge. General Runyon, in command of the United States troops, having passed over the Potomac, took possession of the tavern stand and also the farm occupied by these men and took all they had. One of them is now bankrupt. One of the parties, John Montgomery, filed his petition setting forth the taking possession of his premises by the United States Army under General Runyon and the loss which he had sustained, and asked that his damages might be assessed. Immediately after the property was taken possession of, General Runyon, the commanding general, organized a board to go upon the premises, examine them, hear evidence, and assess the damages of the petitioner. This board found there was $2,917.17 due to these parties. A bill for that amount was reported favorably by the Senate Committee on Claims in the second session of the Forty-first Congress; but the report was made too late and the Senate did not pass the bill. The report was made by the late Senator Garrett Davis, of Kentucky; and this session the Senate Committee on Claims has again made a favorable report through Senator DAVIS, of West Virginia, which report I now hold in my hand. The amount has not been paid by the War Department because there was no law under which the Department could pay it.

Mr. MERRIAM. What is the amount?

Mr. SPEER. The amount found by the commissioners appointed by General Runyon was $2,917.17. The Senate has passed a bill for $2,000.

Mr. WILLARD, of Vermont. Why was not the award of that board of assessment paid?

Mr. SPEER. General Runyon appointed a board to assess the damages; but there was no law under which the amount of the assessment could be paid.

The bill was passed, two-thirds voting in favor thereof.

TERRE HAUTE AND INDIANAPOLIS RAILROAD COMPANY.

The next business on the Speaker's table was the bill (S. No. 1125) for the relief of the Terre Haute and Indianapolis Railroad Company, successor of the Terre Haute and Richmond Railroad Company, in the State of Indiana.

Mr. HUNTER. I ask that the bill be put upon its passage.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to the Terre Haute and Indianapolis Railroad Company, successor of the Terre Haute and Richmond Railroad Company, in the State of Indiana, out of any money in the Treasury not otherwise appropriated, the sum of $7,543.75, it being the amount due said company for carrying the United States mails, as found and ascertained by the Court of Claims.

There being no objection, the bill was read three times, and passed.

WASHINGTON CITY AND POINT LOOKOUT RAILROAD COMPANY.

The next business on the Speaker's table was the bill (S. No. 463) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873.

Mr. COTTON. I ask that the bill be passed with an amendment. The parties who wish this bill to pass wish also to have the amendment.

Mr. RUSK. The amendment will kill it.

Mr. LOWNDES. Let the bill be laid aside.

Mr. COTTON. I move to suspend the rules that the bill may be passed with an amendment.

The bill was read.

Mr. COTTON. This bill is for the benefit of the Insane Asylum. Dr. Nichols has been here several days endeavoring to get the bill through this Congress. It is to locate the line of the railroad. During last session of Congress the gentleman from Massachusetts [Mr. G. F. HOAR] brought up the question of the location of this road, and this bill has been matured to give the road a proper location so that it shall furnish accommodation to the Insane Asylum. It is purely in the interest of the Government and of the Insane Asylum. I do not think that any gentleman in this House can have any objection to it. This does not authorize any new railroad, but simply makes this company locate its tracks so as to be for the benefit of the Government Insane Asylum. But the last section of the bill makes this provision:

SEC. 3. That no railroad or other corporation at present existing, or which may be hereafter incorporated, shall enter upon any lot, square, or other ground, or part thereof, owned or held by the United States within the limits of the District of Columbia, for any purposes whatever, except as may hereafter be allowed by special act of Congress.

I desire that that section shall be amended so that the railroad shall not enter upon Government property except in pursuance of acts of Congress which may have been heretofore or may be hereafter passed.

My amendment is to make it read, "except in pursuance of acts of Congress which may have been heretofore or may hereafter be passed." Of course that is right.

Mr. ARCHER. Why not strike out the third section? That would be the better way.

Mr. COTTON. I insist on my motion to suspend the rules and pass the bill with the amendment I have indicated.

The question was taken; and on a division there were—ayes 45, noes 22; no quorum voting.

Tellers were ordered; and Mr. COTTON and Mr. RANDALL were appointed.

The House divided; and the tellers reported—ayes 87, noes 57.

So (two-thirds not voting in the affirmative) the bill was rejected.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, their Secretary, announced that the Vice-President had appointed Mr. WINDOM one of the conferees on the part of the Senate on the river and harbor bill, in place of Mr. WEST, excused.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. MAYNARD. I rise to a privileged question. I present a report from a committee of conference which I ask to have read.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purpose, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from their amendments numbered 5, 15, 16, 17, 18, 20, 32, 33, 34, 35, 45, 79, and 85.

That the House recede from their disagreements to the amendments of the Senate numbered 1, 3, 10, 11, 12, 13, 19, 22, 23, 24, 25, 28, 30, 31, 36, 37, 38, 39, 40, 41, 42, 43, 44, 46, 53, 54, 55, 56, 57, 58, 61, 66, 72, 73, 74, 75, 76, 77, 78, 83, 84, 89, and 90.

That the House recede from its disagreement to the amendment numbered 8, and agree to the same with the following amendment: In lieu of the words proposed to be inserted, insert the words "thirty-six;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 9, with an amendment making the word "five" in line 14, page 4 of the bill, "six;" and the House agree to the same.

That the House recede from their disagreement to the amendment numbered 21, and agree to the same with an amendment, as follows: From the words proposed to be inserted strike out the word "four" and insert in lieu thereof the word "seven," and in lieu of the following word "seven" insert the word "five," and in lieu of the succeeding word "seventy" insert the word "ninety;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 27, and agree to the same with an amendment, as follows: At the end of the amended paragraph add the words "to be expended under the direction of the Secretary of the Treasury;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 59; and agree to the same with an amendment, as follows: Add at the end of said amendment the words "two assistant messengers, at $720 each per annum;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 60, and agree to the same with an amendment, as follows: From the words proposed to be inserted strike out the word "three" and insert in lieu thereof the word "five;" strike out the following word "eight" and insert in lieu thereof the word "three;" and in line 8, page 43 of the bill, strike out "eight" and insert "twenty;" and the Senate agree to the same.

That the House recede from its disagreements to the amendments numbered 62, 63, 64, 65, and agree to the same with amendments as follows, respectively: In lieu of the word proposed to be inserted by amendment 62 insert the word "eight," and in lieu of the word proposed to be inserted by amendment 63 insert the word "six," and in lieu of the word proposed to be inserted by amendment 64, insert the word "nine," and of the words proposed to be inserted by amendment 65 strike out the word "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 67, and agree to the same with amendments, as follows: Strike out of said amendment the word "ten" and insert in lieu thereof the word "two," and strike out the following word "six," and in lieu thereof insert the word "two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 68, and agree to the same with the following amendment: In lieu of the word "thirteen" of said amendment insert the word "eight;" and the Senate agree to the same.

That the House recede from its amendment to the amendment numbered 88, and from its disagreement to the same.

That the House recede from its disagreement to the amendment numbered 6, and agree to the same with an amendment, as follows: Strike from the words proposed to be inserted the words "three hundred;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 26, and agree to the same.

HORACE MAYNARD,
CHAS. O'NEILL,
J. C. ROBINSON,
Managers on the part of the House.

GEO. F. EDMUNDS,
JNO. J. INGALLS,
A. G. THURMAN,
Managers on the part of the Senate.

Mr. MAYNARD. Mr. Speaker, this bill has been a little unfortunate in the inability of the two Houses to agree upon the single point that is involved in the difference between them upon it, and which I attempted to explain this morning and probably did to the satisfaction of those who were present. This is the fifth conference. The difficulty arises upon the compensation of certain clerks and employés of the House, principally the clerks employed at the desk—the journal clerk of the House, his assistants, the tally-clerk, and the reading clerks.

Mr. CONGER. I would ask the gentleman to come to this side of the House, so that we may hear what he is saying.

Mr. RANDALL. This is the right side of the House, or soon will be.

Mr. MAYNARD. As we passed the bill we made provision for the clerks and employés of the Senate and also of the House. The Senate amended the appropriations for the pay of their employés, increasing it to several clerks from $2,592 to $3,000. We were told that this was a ruse, that it was not sincere, that the object was to put in an appearance of raising the pay of their own employés in order to alarm gentlemen of the House so that they would consent to a reduction in the pay of their own clerks. I can hardly suppose, sir, that any large number of gentlemen in the House are legislating on this bill or on any other in that spirit.

As I stated this morning, in the last conference with the Senate the Senate conferees proposed to recede so far as the pay of the Chief Clerk and the journal clerk went, but they asked us to recede in regard to the pay of the reading clerks and the tally clerk and the assistant journal clerk. A motion to recede being made this morning by the gentleman from Indiana, [Mr. HOLMAN,] I believe, the House gave only thirty votes in favor of that proposition.

The last conference have agreed, and we report upon the principle that each House shall be intrusted by the other to regulate the number and the pay of its own employés. This report is based on that principle with the solitary exception of the two stenographers to committees. The Senate had reduced their pay from $5,000 each per annum to $4,200. One of two things will manifestly result from this being enacted into law: Either the stenographers will have a claim for the other $800 under the act of the last session by which their salary is fixed at $5,000, I believe, or they will be remitted back to the old practice of charging so much per folio for the amount of their work, which was found to be considerably over the sum of $5,000 a year, at which we fixed their salary by our legislation.

These are the principal points of difference. The other points, I believe, had been substantially agreed upon in the previous conferences; at least I am not aware of any serious disagreement. Unless some gentleman desires to be further informed about the character of this report, I will now ask for a vote.

The report was agreed to.

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

The latter motion was agreed to.

JAMES ATKINS.

Mr. GARFIELD. I ask unanimous consent to take from the Speaker's table and have passed Senate bill for the relief of James Atkins, late collector of internal revenue for the fourth district of Georgia.

Mr. RANDALL. I object.

Mr. GARFIELD. I ask the gentleman not to object, as I must soon leave the Hall to serve on a conference committee.

Mr. RANDALL. I will withdraw the objection.

Mr. DURHAM. I object to any bill being taken out of its regular order.

REYNOLDS'S BRAKE FOR THE POWER-LOOM.

The next business on the Speaker's table was the bill (S. No. 537) for the extension of the patent known as Reynolds's patented brake for the power-loom.

Mr. RANDALL. I object to that bill.

The SPEAKER. If no one moves that it be passed it will be laid aside.

Mr. WHITEHOUSE. I move that the rules be suspended and the bill passed.

Mr. SAYLER, of Indiana. The patentees of this invention, father and son, were engaged in the manufacture of power-looms. This invention is an improvement on a brake used in the power-loom. The cost of it is some two or three dollars; and the net amount received by these patentees and their representatives is in the neighborhood of $7,000. The patent was first issued for fourteen years. In the body of that patent it was dated in February, while at the foot of the patent it was dated in June or July. So little attention did these parties pay to their patent that they come now and say they were misled by the antedate in the body of the patent.

It is proved that the father died some time ago, and this patent was found among his papers. But his co-inventor, his son, was and is still interested in the patent, and was a partner in the business. The administrator never read the patent over, or he would have discovered the antedate. This is a small invention, for which they received in the neighborhood of $7,000 net profit. And yet because of their negligence they ask to have the patent extended or leave granted to make a new application. It is nothing short of negligence, for the administrator should have read the choses in action that came to him in his administrative capacity, or the other inventor should have read what he had in property, and thus advised himself of the facts. They now come and ask for an extension of the patent for seven years for an invention to be applied to power looms throughout the country.

I submit that in the judgment of the minority of the Committee on Patents this is not a case of sufficient equity to command the favorable action of the House.

Mr. SMART. I wish to say that the gentleman is mistaken as to the character of this invention. It is a brake to be applied to high-

speed looms, to prevent the recoil when the loom is stopped suddenly; that is all there is of it.

Mr. SAYLER, of Indiana. I stated that it was a brake to be applied to high-speed looms.

Mr. SMART. It is true these inventors realized $7,000 in fourteen years. But it is also shown that they have made for others, in the saving of wear and tear of the loom, not less than $20,000 annually.

It was the fault of the administrator that the error in the deed was not discovered. These papers, when the father died, were all turned over to the surrogate's office. They were then brought to the Patent Office and went through the hands of the examiners, and the application was favorably considered. The majority of the Committee on Patents maintain that these men had not received such a reward for their invention as should deprive them of the advantage of an extension of the patent.

Mr. WHITEHOUSE. I am surprised that the gentleman should oppose this patent on the ground that the article manufactured under it is one costing but two or three dollars. Perhaps a single article may cost that sum; but what was the expense necessary to bring out this invention?

Mr. SAYLER, of Indiana. It is simply the result of experiments for many years in their own business, and one of quite a number of small patents that they took out.

Mr. NIBLACK. Is there any certainty that this patent, if renewed, would inure to the widow and heirs in any way?

Mr. WHITEHOUSE. Yes, sir; it will belong exclusively to them.

Mr. NIBLACK. Most usually the benefits of these patent extensions go to some assignees.

Mr. WHITEHOUSE. The widow and heirs of this man will get the entire benefit of this extension.

Mr. NIBLACK. This may be a very meritorious case; but I confess I am very much opposed to the extension of patents as a general rule.

The bill was not passed; there being ayes 29, noes not counted.

Mr. HOLMAN, (at six o'clock and ten minutes a. m.) I move that the House now take a recess.

Several MEMBERS. O, no!

The SPEAKER. The Chair would suggest to the gentleman from Indiana [Mr. HOLMAN] that the House had better remain in session until the deficiency bill is received. A recess can then be taken without interfering with the public business.

A MEMBER. When will that bill come in?

Mr. PARKER, of Missouri. I am informed the bill will be here in about fifteen minutes.

PUBLIC BUILDING AT TOPEKA, KANSAS.

The next business on the Speaker's table was the bill (S. No. 55) to authorize the construction of a public building at Topeka, Kansas.

Mr. LOWE. I stand sponsor for that bill.

The bill was read. It directs the Secretary of the Treasury to purchase at private sale, or procure by condemnation, a suitable tract of ground in the city of Topeka, Kansas, and to cause to be erected thereon a fire-proof building, of brick or stone, suitable for the accommodation of the United States district and circuit courts, post-office, and other Government offices in that city; said tract of land and the building thereon not to exceed in cost the sum of $150,000, which shall not be available until a valid title to the land shall be vested in the United States and the State of Kansas shall relinquish its jurisdiction over the same and all right to tax or assess the same while owned by the United States.

Mr. HANCOCK. Is this bill subject to a point of order?

The SPEAKER. This whole proceeding is dependent upon a two-thirds vote.

Mr. LOWE. I hope there will be no objection to this bill. It simply provides for obtaining a site in the capital of the State of Kansas, where the Federal Government has never spent a dollar for purposes of this kind.

Mr. LAWRENCE, of Ohio. This bill is right, and ought to pass.

The bill was passed, two-thirds voting in favor thereof.

STEAM RAILROADS IN WASHINGTON CITY.

The next business on the Speaker's table was the bill (S. No. 861) for a commission to regulate and arrange tracks and depths of steam-railways within the city of Washington.

Objection being made, the bill was laid aside.

PUBLIC BUILDING AT COVINGTON, KENTUCKY.

The next business on the Speaker's table was the bill (S. No. 1019) to make an appropriation for public buildings at Covington, Kentucky.

Mr. ARTHUR. I ask that this bill be put on its passage.

The bill was read. It appropriates $150,000 for the completion of public buildings at Covington, Kentucky.

Mr. SPEER. This is an appropriation to carry out an existing law. I hope it will be passed.

The bill was passed, two-thirds voting in favor thereof.

DONATION OF PUBLIC BUILDING, ETC., TO OREGON.

The next business on the Speaker's table was the bill (S. No. 1097) to donate to the State of Oregon a public building, lot, and material situated at The Dalles, Oregon.

The bill was read. It donates to the State of Oregon the mint building, material, and lot on which it is located, at The Dalles, Oregon. The donation is made on the condition that the building and lot shall be appropriated by the State of Oregon to the use of some educational or charitable institution.

There being no objection, the bill was passed.

PUBLIC BUILDINGS AT HARRISBURGH, PENNSYLVANIA.

The next business on the Speaker's table was the bill (S. No. 1270) to authorize the purchase of a site for public buildings at Harrisburgh, Pennsylvania.

The bill was read. It authorizes and directs the Secretary of the Treasury to purchase at private sale, or procure by condemnation, a suitable tract of ground in the city of Harrisburgh, Pennsylvania, for the erection thereon of a building for the accommodation of the post-office and other Government offices in that city; and the sum of $160,000, or as much thereof as may be necessary, is appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of such tract of ground. The sum appropriated is not to be available until a valid title to the land shall be vested in the United States and the State of Pennsylvania shall relinquish its jurisdiction over the same and all right to tax or assess the same while owned by the United States.

Mr. PACKER. I hope there will be no objection to this bill.

Mr. HOLMAN. I object.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. PACKER. Mr. Speaker, I trust there will be no objection to the passage of this bill. The city of Harrisburgh is almost the only State capital in the country in which the General Government has not deemed it right to erect public buildings for the accommodation of its offices. Some years since, Congress, recognizing the importance of securing an eligible location for such buildings in that city, authorized the Secretary of the Treasury to make an examination and report the terms upon which a suitable building site could be obtained. For various reasons, however, such site could not at that time be secured, but lately, as I am advised, the owners of several properties most favorably located in the central part of the city have expressed a readiness to sell at prices which are regarded as reasonable, and which would in all probability be entirely satisfactory to the officers of the Government.

The old and comparatively unsafe and insecure building which the Government has been renting from year to year and using as a post-office, for a long time too small for that purpose, has now, in consequence of the very large increase of population and business, become wholly inadequate and insufficient to provide the necessary postal facilities absolutely required at that place, and in my judgment the best interests of the Government and the convenience of the people alike demand that steps shall be taken for the purchase of ground and the erection of a suitable building at as early a day as practicable.

In addition to its importance as the capital of the great State of Pennsylvania, Harrisburgh has become one of the principal manufacturing cities of the State, and being also a great railroad center it has attracted population and capital and wealth and enterprise to such an extent that its permanent prosperity is assured, and it is now in every respect entitled to ask, if not to demand, that the same measure of justice that has been awarded to the capital cities of the other States of the Union shall not be denied to it.

With a population which has been almost doubled in the last ten or twelve years——

Mr. SMITH, of Ohio. Will the gentleman inform us what the population is?

Mr. PACKER. The population at this time is not much, if any, less than thirty-five thousand, and the postal business, I may add, has increased in even a larger ratio, and is now more than three times greater than it was ten years ago. The receipts of the post-office, sir, last year, by the official returns, amounted to $50,855, and if the receipts for the remaining portion of the current fiscal year should show as large an increase as the returns for the time that has already expired, the revenues for this year will be in excess of $65,000.

In the letter-carrier department alone of this office during the last year there were delivered by the carriers 380,717 mailed letters and 22,370 postal cards, and of local or dropped letters 22,496, 4,032 postal cards, and 248,266 newspapers. There were also collected by the carriers in the same period 144,914 letters, 7,112 postal cards, and 8,667 newspapers; making an aggregate of the letters, postal cards, and newspapers handled by the carriers in that time 838,584.

Mr. MERRIAM. What will the building cost when completed? What is the estimate?

Mr. PACKER. The bill merely provides for the purchase of a site, and the appropriation is for that purpose.

[Here the hammer fell.]

The House divided; and there were—ayes 45, noes 18.

So (no further count being demanded) the rules were suspended and the bill passed, two-thirds voting in favor thereof.

ACCEPTANCE OF PROPERTY IN TUNIS.

The next business on the Speaker's table was the bill (S. No. 1296) to authorize the acceptance in behalf of the United States of America of certain real property occupied by the United States consul at Tunis.

The bill, which was read, provides that there shall be accepted in behalf of the Government the title to the residence now and for many years occupied by the United States consul at Tunis, which title has been courteously offered by His Highness the Bey of Tunis. It also provides after the proper muniment of title aforesaid shall have been furnished it shall be lodged in the Department of State.

The rules were suspended and the bill passed, two-thirds voting in favor thereof.

FREE YOUNG MEN'S BENEVOLENT ASSOCIATION.

The next business on the Speaker's table was the bill (S. No. 1222) to authorize the trustees of the "Free Young Men's Benevolent Association" to sell and convey square No. 272 in the city of Washington.

The bill, which was read, authorizes and directs that Guerdon Snowden, Henry Logan, Anthony Hickman, Joseph Shorter, and Hamilton Martin, trustees of the "Free Young Men's Benevolent Association" of the city of Washington, in the District of Columbia, and also trustees of "The Colored Union Benevolent Association" of said city, and their successors in office, to subdivide, sell, and convey a certain square of ground in said city, known and described as square No. 272, now held by said trustees for the said associations, and heretofore used in part as a burial-ground for the dead, free and discharged from any trust, expressed or implied, and free from any right, title, or claim, of any and all lot-holders in said burial-ground; that all conveyances made in pursuance of any sale made by virtue hereof shall pass a fee-simple for the part of said square so conveyed; that the said trustees shall out of the proceeds of said sales pay and discharge the incumbrances existing upon said square; and the surplus thereof they shall apply for the benefit and improvement of "Mount Pleasant Plains Cemetery," in said District of Columbia.

Mr. COTTON. I ask to have the bill passed.

Mr. RAINEY. In the absence of any explanation in regard to that bill I feel bound to object to it.

Mr. COTTON. I have been spoken to by the gentleman's own friends to have that bill passed.

Mr. RAINEY. I do not know anything about it, but I will take the gentleman's word and withdraw my objection.

Mr. WILSON, of Indiana. What is the bill?

Mr. COTTON. It is all right.

The rules were suspended and the bill passed, two-thirds having voted in favor thereof.

PATENT OFFICE GAZETTE.

The next business on the Speaker's table was the bill (S. No. 1297) to provide for the republication of the first volume of the Patent Office Gazette.

The bill, which was read, authorizes the Commissioner of Patents to have printed at the Government Printing Office the letter-press of the first year of the Official Gazette, for the use of the Patent Office.

The rules were suspended and the bill passed, two-thirds voting in favor thereof.

PUBLIC DOCUMENTS, ETC.

The next business on the Speaker's table was the bill (S. No. 1210) to provide for the distribution of the regular official editions of certain public documents and of the CONGRESSIONAL RECORD.

Mr. DONNAN. This bill contains nine sections. There is no new material legislation. It provides for a change in the distribution of documents, and is recommended by the Secretary of the Interior, and has been carefully prepared by the Senate committee.

Mr. RUSK. I object.

Mr. DONNAN. I move to suspend the rules and pass the bill.

Mr. HOLMAN. If we are to vote on the bill it should be read.

Mr. DONNAN. Let the bill be passed over for the present. I will ask that it be considered at another time.

The bill was laid aside.

TEXAS JUDICIAL DISTRICTS.

The next business on the Speaker's table was the bill (S. No. 736) to change the boundaries of the eastern and western judicial districts of the State of Texas, and to fix the times and places of holding courts in the same.

Mr. HERNDON. I move that the bill be referred to the Committee on the Judiciary.

The motion was agreed to.

WILLAMETTE VALLEY AND COAST RAILROAD COMPANY.

The next business on the Speaker's table was 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.

Mr. CLYMER. The general law passed not long since covers that bill.

Mr. DUNNELL. That is true; the bill reported from the Committee on the Public Lands passed by this House covers that bill, and therefore I move it be laid aside.

The motion was agreed to.

A MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that that body had passed a bill (H. R. No. 4851) making appropriation to supply deficiencies in the appropriations for the fiscal year ending June 30, 1875, and prior years, and for other purposes, with amendments; in which the concurrence of the House was requested.

FREEDMAN'S SAVINGS-BANK AND TRUST COMPANY.

The next business on the Speaker's table was the bill (S. No. 1349) amending the charter of the Freedman's Savings and Trust Company, and for other purposes.

Mr. DURHAM. I would like to say to the House if they desire to read the bill, it is precisely like the House bill.

Mr. RAINEY. I should like to have the bill read, as I propose to move an amendment to it.

Mr. DURHAM. I will not permit any amendment to be offered.

Mr. MERRIAM. The House will give the gentleman from South Carolina an opportunity to amend the bill.

Mr. DURHAM. I move to put the bill on its passage.

Mr. CESSNA. Under the rule adopted is it in order to amend the bill?

The SPEAKER. The gentleman from Kentucky is on the floor.

Mr. DURHAM. I understand some gentlemen wish to have the bill read, and as a matter of course it must be read.

The bill, which was read, in its first section provides that so much of the seventh section of the act entitled "An act amending the charter of the Freedman's Savings and Trust Company, and for other purposes," approved June 20, 1874, as authorizes the selection and appointment of three commissioners be, and the same is thereby, repealed.

The second section provides that the Secretary of the Treasury is authorized and directed to appoint one commissioner, who shall execute a bond to the United States, with good sureties, in the penal sum of $100,000, conditioned for the faithful discharge of his duties as commissioner aforesaid, and take an oath faithfully to perform his duties; which bond shall be executed in the presence of said Secretary, and approved by him, and by him safely kept; and when said bond shall have been executed, and oath taken, then said commissioner shall be invested with the possession and legal title to all the property of said company for the purposes of the act and the act of June 20, 1874, and shall have all the rights, prerogatives, and privileges, and perform all the duties, that were conferred and enjoined upon the three commissioners mentioned in said act of June 20, 1874.

The third section provides that said commissioner, with the approval of the Secretary of the Treasury, shall have the right and authority to compound and compromise debts due to and liabilities of the company.

The fourth section provides that said commissioner, with the approval of the Secretary of the Treasury, shall have the right and authority to sell any of the property of said company, at public or private sale, as, in his judgment, he may deem best; and to buy in, for the benefit of the company, any property which may be offered for sale to pay debts and liabilities to said company, if, in his judgment, said property is being sacrificed by said sale; and to make to the purchasers of property sold by him deeds of conveyance for their respective purchases.

The fifth section provides that said commissioner shall not engage in any other business pursuit while winding up the affairs of said company, and shall by the tenth day of each annual session of Congress make a written report to Congress of his proceedings up to the first day of said session; and for his services as commissioner aforesaid he shall receive an annual salary of $5,000, to be paid out of the funds of said institution.

The sixth section provides that whenever said commissioner is prepared to make a dividend to the depositors, he is authorized and directed, through the United States Treasurer, to place in the various depository banks of the United States which are convenient to said depositors an amount sufficient to pay them; and the officers of said banks shall pay the depositors or their assignees, and take receipts from them in such way and manner as shall be prescribed by said commissioner and the Secretary of the Treasury; and said evidences of payment shall be returned by said officers to the commissioner, and by him preserved; provided that where there are no depository banks of the United States, then said commissioner may, with the approval of the Secretary of the Treasury, pay the depositors in said localities in such way as he may deem best.

The seventh section provides that said commissioner, with the approval of the Secretary of the Treasury, may prescribe such form as he may deem right and proper for the depositors to transfer their claims; provided every such transfer shall state the amount of the claim transferred, and the amount actually received for the same.

The eighth section provides that said commissioner shall make payments to those depositors only whose pass-books have been properly verified and balanced, unless said pass-books have been lost or destroyed; then, upon satisfactory proof of such loss or destruction, and the amount due them, he may pay as though they had pass-books.

The ninth section provides that said commissioner is thereby authorized and directed, with the approval of the Secretary of the Treasury, to employ some competent attorney at law to investigate the manner in which said company has been managed by its trustees and others having control of the same; and if in the judgment of said attorney the affairs of said company have been mismanaged or managed fraudulently and corruptly, then with the approval of the Secretary of the Treasury said commisssoner shall cause such civil and criminal proceedings to be instituted in the courts against those participating in said mismangement or fraudulent and corrupt management as he shall deem right and proper to attain the ends of justice.

He shall pay fees and costs of suits out of the funds in his hands as commissioner aforesaid, provided that the aggregate amount to be paid to attorneys shall not exceed $5,000 for any one year.

The tenth section provides that if from any cause there shall be any considerable delay in making a dividend to the depositors, then said commissioner may, under the direction of the Secretary of the Treasury, invest the funds on hand in United States bonds until such time as he may be prepared to make a dividend, as directed under the act of June 20, 1874.

Mr. DURHAM. I do not desire to speak in support of the bill except in the way of response to anything that may be said against it.

Mr. BROMBERG. How much time is there for discussion on this bill?

The SPEAKER. The resolution under which the House is acting allows five minutes' debate on each side on a bill.

Mr. HAWLEY, of Connecticut. Mr. Speaker, the bill which was passed last year, June 20, 1874, provided for this concern being put into bankruptcy. It provides—

That whenever it shall be deemed advisable by the trustees of said corporation to close up its entire business, then they shall select three competent men, not connected with the previous management of the institution and approved by the Secretary of the Treasury, to be known and styled commissioners, whose duty it shall be to take charge of all the property and effects of said Freedman's Savings and Trust Company, close up the principal and subordinate branches.

The act gave the trustees the power to select these three men. Now it is proposed in this bill to disregard entirely the trustees in the selection, and to let the Secretary of the Treasury appoint one commissioner. I doubt whether it would be wise to do that. I have some doubt as to the power to do it, and I think it would perhaps be better to let the concern go into bankruptcy in the usual way under the law than to take the responsibility out of the hands of the three commissioners and put it into the hands of one man.

There are some good provisions in this bill, some powers which ought to be granted to the commissioners in order to settle up the concern; and I think the thanks of the friends of the institution are due to the gentleman from Kentucky [Mr. DUHRAM] for the pains he has taken. The ninth section especially is one which should be enacted in some way; the section which authorizes the employment of some competent attorney at law to investigate the manner in which the company has been managed by its trustees and others having control of the same, and, if he sees cause, to institute such civil and criminal proceedings against those who may have participated in mismanagement or fraudulent and corrupt management, as he shall deem right and proper to attain the ends of justice.

I should like to put on the record here my firm conviction that there has been such gross mismanagement there that not alone civil suits should be brought, but if I am not greatly mistaken, some criminal prosecutions should be brought.

It would be well to grant those powers. But I do object to giving them to but one single commissioner. To do so will in the first place give the greatest dissatisfaction to the sixty thousand depositors of that institution, who are almost without exception colored men scattered all over the country.

[Here the hammer fell.]

Mr. HAWLEY, of Connecticut. I have not had my five minutes yet. I desire to say a word or two more. I was saying that this will produce well-grounded dissatisfaction all over the country among the sixty thousand depositors if you put this duty and responsibility in the hands of one single commissioner who will have control over this $3,000,000 and over the suits to be instituted, the compromises to be made, the sales of property to be carried out. One of these commissioners is a colored man of high standing. But the active manager is a young man from the Treasury Department. Now, suppose that this one alone is appointed. The other two may be thrown out and this young man left as the sole commissioner.

Mr. FARWELL. They are all turned out.

Mr. HAWLEY, of Connecticut. It is intended by this bill that only one commissioner shall be appointed; and it will be the most natural thing in the world to suppose that a man will be appointed who is now in charge of the settlement of these matters and familiar with them. But I believe you could not make these depositors all over the country more unhappy than by putting in as commissioner that man, or any one man, or perhaps any one colored man. Indeed, you gentlemen yourselves, if you were creditors of such an institution, would not like to have all its assets put into the hands of one man, with power to buy in at sales, to compound suits; in short, to do anything and everything, controlling these $3,000,000, and having the entire disbursement and distribution of the same.

I propose an amendment to strike out the first two sections, which provide for a single commissioner, and to make corresponding alterations in the other sections, substituting the plural for the singular number.

Mr. DURHAM. I do not admit any amendment.

Mr. HAWLEY, of Connecticut. I move to amend by striking out the first two sections and making changes in the other sections to correspond with three commissioners instead of one.

Mr. DURHAM. My motion was to suspend the rules and put the bill on its passage.

The SPEAKER. The gentleman from Kentucky [Mr. DURHAM] has the right to test the sense of the House on his motion that the bill be passed as it stands.

Mr. DURHAM. I claim the right to respond briefly to the gentleman from Connecticut. I know there is a great deal said, Mr. Speaker, about sympathy with these colored people. But these colored people, these seventy-two thousand depositors throughout the United States, do not care very much about sympathy provided only they can get their money. They have been sympathized with by their friends until they have been literally robbed. These friends of the colored people have hugged them around the neck with one hand while they have stolen the money out of their pockets with the other.

The gentleman from Connecticut is afraid a certain gentleman will be appointed to manage this institution. Now, I do not know who the Secretary of the Treasury intends to appoint. But I will not stop to talk about that.

Now, I do not know who the Secretary of the Treasury intends to appoint, but I do say that if he appoints Mr. Leopold he will appoint an honest and competent man to attend to this matter; a man who has discharged his duties and managed its affairs, without reference to the two other commissioners, very much to the benefit of the colored people.

Mr. LAWRENCE, of Ohio, I desire to ask the gentleman a qxestion. The only point is whether there shall be one or three commissioners. What is the objection to three commissioners?

Mr. DURHAM. The objection is that it will cost more; and if you amend the bill, it has to go back to the Senate and cannot possibly pass at this session of Congres. There are seventy thousand of these people suffering. There are about two thousand who are in moderate circumstances and do not appear to need the dividend; but I say to you if you have any regard for the feelings or welfare of the colored people you will not stop to inquire whether it is best to have one commissioner or three. I believe that the Secretary of the Treasury will appoint a competent man, a man who can take charge of this institution and wind it up. Gentlemen talk about not trusting one man. Look at the case of the Ocean Bank in New York, which fell into the hands of a receiver, and over $2,000,000 passed through his hands and nothing was lost. In the case of a national bank you would appoint a receiver to take charge of it.

Mr. HAWLEY, of Connecticut. We have been all winter investigating that man.

Mr. DURHAM. And a majority of the committee reported that he did right.

Mr. MERRIAM. But one portion of the committee made a different report.

Mr. RANDALL. I would like to know where that majority of the committee was.

Mr. DURHAM. I am not to be drawn off from my remarks by these side issues. It is exceedingly strange that gentlemen should endeavor to do it. The Committee of the Senate recommend the appointment of one commissioner; and I say that, so far as the majority of the Committee on Banking and Currency are concerned, they thought one commissioner preferable to three, for the reason that we want to get as much out of this property as possible for those who have been swindled by the very men calling themselves their friends, as admitted by the gentleman from Connecticut.

Mr. RAINEY. I have but a word to say. I had hoped that this bill would have been acted upon by the Committee on Banking and Currency at an early day, that we might have had an opportunity to discuss its merits and also its demerits.

Sir, there is no one upon this floor who could feel a deeper interest in this subject than I feel. I myself have been a depositor in this bank, and have incurred losses through it, and therefore I think that I have a right to have an opinion in this matter, not as it applies to myself, but to those others who made the largest deposits in the bank. In the State of South Carolina I presume that half a million dollars was put in this bank by the colored people, none of which was loaned in that State, but $144,000 of which was loaned out in the city of Washington on real estate here, right here in this very city, and these very loans were made before the authority was granted by the law of 1870.

Now, sir, when the officers of this institution would take advantage of such a class of people as were the depositors in this bank, who had placed great confidence in them, and take their deposits and put the money on real estate which was subject to so great a shrinkage as the investments of that bank were subjected to, I say that no one man should handle over $2,000,000 of money belonging to the poor people of the country. Sir, the depositors in this bank are the poorest class of people in the Southern States—the laboring classes of the South; the poor black men who are striving by saving money to clothe their families and educate their children; to buy for themselves lands and houses—and these people have been defrauded most shamefully.

What I want to say is this: I am opposed to any one man holding the assets of that bank, having them wholly at his disposal. I do not care who he is, whether he be colored or white, whether he be a German or an Irishman, it makes no difference to me. I want no one man to handle the assets of that bank.

I am in favor of three commissioners, because I believe the responsibility should be divided. We should have three, to assist each other in the discharge of the important duties connected with the adjustment of the affairs of this corporation. I therefore would like to have

this bill amended so as to secure the appointment of three commissioners. Suppose you appoint but one; what provision will there be in case of his sickness or in any other case that may call him away from the duties?

When he is called away the important duties of the bank may be left in the hands of irresponsible subordinates, who give no bonds at all. If I could have my way I would like to have this bill amended so as to have three commissioners appointed, each of them giving a bond of $100,000 separately, not jointly, as now. If that could be done, good men put in, and the assets of the bank properly guarded, I believe that in a very short time something would be realized by which the poor depositors would be somewhat benefited.

Mr. RANDALL. As one of the minority of the Committee on Banking and Currency I desire to state that I concur in everything which has been said by the gentleman from South Carolina, [Mr. RAINEY.] I think there ought to be three commissioners, with equal salaries, equal duties, and equal responsibilities in every respect.

Mr. RAINEY. I desire to say this: I am opposed to this bill, and prefer to have it defeated rather than it should be passed in its present shape.

The question was upon suspending the rules and passing the bill; and upon a division there were ayes 9, noes not counted.

So the rules were not suspended.

Mr. HAWLEY, of Connecticut. I desire to introduce a bill for action now, which is the bill just disposed of, amended as I indicated in my remarks.

Mr. BROMBERG. I rise to a parliamentary inquiry. Is this Freedman's Bank bill open to amendment and debate now? I thought it had been defeated.

The SPEAKER. The Chair thinks that under the order of the House the bill is not open to amendment and discussion at this time.

Mr. MERRIAM. This bank will undoubtedly pay ninety cents on the dollar, although the impression has gone out that it will pay much less.

The SPEAKER. The Chair will endeavor to explain what he considers to be the rule adopted by the House. It is that on a bill being reached on the Speaker's table it shall be voted upon directly, five minutes on either side being allowed for discussion. If the bill shall fail to pass by a two-thirds vote it is laid aside.

Mr. BROMBERG. That is my understanding of the rule.

The SPEAKER. If a bill is open to amendment then, a single bill might hold the House two or three hours and neutralize all the effect of the order made by the House.

Mr. DURHAM. And this bill is defeated?

The SPEAKER. It is.

BOARD OF AUDIT FOR THE DISTRICT OF COLUMBIA.

The next business on the Speaker's table was the bill (S. No. 1240) to extend the time within which the board of audit for the District of Columbia may receive, audit, and allow certain claims that have never been presented to said board.

The bill provides that the board of audit constituted by the act for the government of the District of Columbia, may receive, audit, and allow just claims against the District of the first and second classes mentioned in the sixth section of said act and claims for refunding sewer taxes, notwithstanding the limit of time for presentation contained in said act and in the resolution to continue said board of audit approved December 21, 1874, provided that such claims shall be presented prior to the 1st day of July next.

Mr. COTTON. That bill is all right, and is recommended by the commissioners for the District of Columbia.

The bill was passed, two-thirds voting in favor thereof.

STAMPS ON BREWERS' CASKS.

The next business on the Speaker's table was the bill (S. No. 1237) to amend section 3342 of the Revised Statutes of the United States in relation to affixing stamps on brewers' casks.

Mr. MERRIAM. What is this bill?

Mr. RUSK. The bill is all right; it requires the stamp to be affixed on the bung of the cask.

The bill was passed, two-thirds voting in favor thereof.

ENROLLED BILLS SIGNED.

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

An act (H. R. No. 3511) to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes;

An act (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes;

An act (H. R. No. 4445) to incorporate the trustees of the Louise Home, and for other purposes; and

An act (H. R. No. 4816) to authorize the consolidation of the Auburn City National Bank and the First National Bank of Auburn, New York.

ORDER OF BUSINESS.

Mr. HOLMAN. I desire to inquire of the Chair if there is any good reason why the House cannot now take a recess?

The SPEAKER. The House should first pass upon the Senate amendments to the deficiency bill and send them to a committee of conference; otherwise there may be danger that the bill will be lost.

Mr. GARFIELD. I will say that it is expected that the deficiency bill will be returned from the Senate in ten minutes.

Mr. HOLMAN. Then I will not make the motion at this time.

F. V. HAYDEN.

The next business on the Speaker's table was the bill (S. No. 1185) for the relief of F. V. Hayden.

The bill was read. It provides that the proper accounting officers, in settling and adjusting the accounts of F. V. Hayden, geologist in charge of the survey of the Territories, shall credit F. V. Hayden with the sum of $3,825, on account of loss of that amount, in 1872, by highway robbery, committed on his clerk while traveling on stage-coach between Virginia City, Montana, and Fort Hall, Idaho, bearing that sum of money from one division of the survey to the other; such amount having been lost without any fault or neglect of Hayden or his clerk.

There being no objection, the bill was passed.

JOSEPH H. COLTON.

The next business on the Speaker's table was the bill (S. No. 1156) for the relief of Joseph H. Colton.

The bill requests the President of the United States to call upon the government of Bolivia to make payment of the money admitted by itself to be due, with interest thereon, according to the decree of the said government of Bolivia of February 1, 1872, to Joseph H. Colton, for maps engraved for that government under a contract made in 1858.

The bill was passed, two-thirds voting in favor thereof.

The SPEAKER. This is the last bill on the printed Calendar.

TWENTY-CENT SILVER PIECE.

Mr. WILLARD, of Michigan. I ask unanimous consent to have passed at this time a bill reported favorably by the Committee on Coinage, Weights, and Measures. It is a bill (S. No. 468) authorizing the coinage of a twenty-cent piece of silver at the mints of the United States.

The bill was read. It provides that there shall be, from time to time, coined at the mints of the United States, conformably in all respects to the coinage act of 1873, a coin of silver of the denomination of twenty cents and of the weight of five grams; the twenty-cent piece shall be a legal-tender at its nominal value for any amount not exceeding five dollars in any one payment; that in adjusting the weight of the twenty-cent piece, the deviation of the standard weight shall not exceed one and one-half grains; and in weighing a large number of pieces together, when delivered by the coiner to the superintendent, and by the superintendent to the depositor, the deviation from the standard weight shall not exceed two-hundredths of an ounce in one thousand pieces; that all laws now in force in relation to the coins of the United States and the coining of the same shall, as far as applicable, have full force and effect in relation to the coin herein authorized, whether those laws are penal or otherwise, and whether they are for preventing counterfeiting or abasement, for protecting the currency, for regulating the process of coining and the preparation therefor, or for the security of the coin, or for any other purpose.

Mr. MERRIAM. In consideration of the fact that this twenty-cent piece is only to be used on the Pacific coast, I waive any objection.

There being no objection, the bill was passed.

JOSEPH H. MADDOX.

Mr. COBB, of North Carolina. I move to suspend the rules and put upon its passage a bill (H. R. No. 3789) for the relief of Joseph H. Maddox. This bill has been unanimously reported from the Committee on War Claims.

The bill (already published) was read.

Mr. HOLMAN. While it may be proper in certain cases to refund money that has gone into the Treasury, yet it seems to me a very dangerous precedent to pay for the spoliation of property held by loyal citizens in the disloyal States under the authority of Treasury warrants under the proclamation of 1863.

Mr. COBB, of North Carolina. I hope the gentleman from Indiana [Mr. HOLMAN] will allow me to refresh his memory. He was present in the committee-room when this bill was acted upon, and voted in favor of reporting it.

The question being taken on the motion to suspend the rules and pass the bill, there were—ayes 35, noes 25; no quorum voting.

Tellers were ordered; and Mr. COBB, of North Carolina, and Mr. HOLMAN were appointed.

The House divided; and the tellers reported—ayes 87, noes 58.

So (two-thirds not voting in favor thereof) the bill was not passed.

DEFICIENCY APPROPRIATION BILL.

Mr. GARFIELD. The Committee on Appropriations, to whom were referred the amendments of the Senate to the deficiency appropriation bill, have directed me to report them back and recommend severally concurrence or non-concurrence as will appear when the amendments are read.

The various amendments of the Senate were read, and respectively

concurred in or non-concurred in as recommended by the Committee on Appropriations.

Mr. PARKER, of Missouri. By consent of the gentleman from Ohio [Mr. GARFIELD] I offer the following amendment to the amendments of the Senate:

To enable the Clerk of the House to pay to FRANK MOREY the amount given him by resolution of the House of Representatives of the Forty-first Congress of June 2, 1870, for expenses as contestant in the Forty-first Congress, $3,000.

Mr. GARFIELD. That proposition has already been rejected by the House, and I do not think we ought now to adopt it.

The amendment was agreed to.

Mr. MOREY. The gentleman from Ohio [Mr. GARFIELD] yields to me to offer the following amendment to come in after the provision with reference to the Treasury Department.

The Clerk read as follows:

That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to give John S. Chapman, late collector of internal revenue for the second district of the State of Louisiana, credit in the settlement of his accounts for the sum of $000 taxes collected, which was lost or stolen while in course of transmittal in a registered letter through the post-office.

Mr. MOREY. This matter has been examined by the Committee on Ways and Means, and they have reported favorably upon it.

The amendment was agreed to.

Mr. SCHUMAKER, of New York. I move the following.

The Clerk read as follows:

That the proper accounting officers of the Treasury, in settling and adjusting the revenue, disbursing, and other accounts of James Atkins, late collector of internal revenue for the fourth collection district of Georgia, are hereby directed to credit said Atkins with the sum of $14,819.33, on account of loss of that amount by default of deputies in his employ, the amount being lost without neglect or fault of said Atkins.

Mr. GARFIELD. This man I know to be a true and faithful officer. The amendment only enables him to settle his accounts by allowing him the credit of $14,819.33 on account of loss of that amount by default of deputies and not from any fault or neglect of his own. I hope it will be allowed to go on this bill.

The amendment was agreed to.

Mr. GARFIELD. I now move that a committee of conference be asked on the disagreeing votes of the two Houses on the deficiency appropriation bill.

The motion was agreed to.

The SPEAKER appointed as the managers of said conference on the part of the House Mr. PARKER of Missouri, Mr. AVERILL, and Mr. NIBLACK.

PONTON WAGON-BRIDGE AT DUBUQUE.

The next business on the Speaker's table was the bill (S. No. 1230) to authorize the construction of a ponton wagon-bridge across the Mississippi River, at or near the city of Dubuque, in the State of Iowa.

The bill was read.

The first section provides that it shall be lawful for any person or persons, company or corporation, authorized by the laws of Iowa, Illinois, or Wisconsin, to construct a pile and ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa, so as to connect with the opposite shore of the said river, in either of the States of Wisconsin or Illinois; said bridge to be built subject, except as therein modified, to all the terms, requirements, and limitations contained in the act entitled "An act to legalize and establish a ponton railway-bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June 6, 1874, so far as they may be applicable thereto.

The second section provides that the bridge shall be constructed with a suitable ponton-draw of not less than five hundred feet in width, located over the main channel of the river; provided that said bridge shall not be built or commenced until the plan and specifications for its construction have been submitted to the Secretary of War for his approval, nor until he shall approve the plan and the location of said bridge; and if any change be made in the plan of construction of said bridge at any time, such change shall be subject to the approval of the Secretary of War; and any change in the construction, or any alteration of said bridge that may be directed at any time by Congress or the Secretary of War, shall be made at the cost and expense of the owners thereof.

Mr. DONNAN. The Committee on Commerce unanimously recommend the passage of this bill.

The rules were suspended and the bill passed, two-thirds voting in favor thereof.

Mr. HOLMAN. I move the House take a recess until ten and a half o'clock.

The SPEAKER. It ought not to be later than ten o'clock.

Mr. HOLMAN. Then I will make it ten o'clock.

Mr. GARFIELD. I suggest to the gentleman to make it half past nine o'clock.

Mr. HOLMAN. Well, I will make it nine and a half o'clock. I move that we take a recess from now until nine and a half o'clock.

Mr. GUNCKEL. I rise to submit a report from the committee of conference on the bounty bill. It was agreed that this conference report should be taken up at eight o'clock this morning, and it is not fair to thrust it aside in this way.

The House divided; and there were—ayes 74, noes 56.

Mr. CONGER. I hope we will not take a recess, but wait until the river and harbor appropriation bill comes in.

Mr. COBURN. I demand the yeas and nays on taking a recess.

Mr. GUNCKEL. I demand tellers on the yeas and nays.

Tellers were not ordered, and the yeas and nays were not ordered.

Mr. CONGER. I think we ought to wait for the river and harbor appropriation bill.

Mr. CLYMER. I demand the regular order of business.

The SPEAKER. All the appropriation bills are now in conference, every one of them.

Mr. GUNCKEL. There was an agreement, as I have said, that this bounty bill should come up at eight o'clock, and I hope gentlemen will not break that agreement.

The SPEAKER. On the motion for taking a recess a quorum has not voted. Does the gentleman desire further count?

Mr. GUNCKEL. I demand a further count.

The SPEAKER appointed Mr. GUNCKEL and Mr. CLYMER as tellers.

The House again divided; and the tellers reported—ayes 95, noes 50.

So the motion was agreed to.

Mr. GUNCKEL. Having the floor for a privileged question, is a motion to take a recess in order?

The SPEAKER. The motion to take a recess is of course in order.

And then, at two minutes to eight o'clock a. m., (Wednesday, March 4,) the House took a recess until half past nine o'clock a. m.

AFTER RECESS.

The recess having expired, the House reassembled at half past nine o'clock a. m.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Ohio [Mr. GUNCKEL] is on the floor to present a report of a committee of conference.

Mr. MAYNARD. I have here a bill which was reported by Mr. Mellish before he left us.

Mr. GUNCKEL. I decline to yield.

Mr. MAYNARD. I hope there will be unanimous consent to pass this bill before we adjourn.

EQUALIZATION OF BOUNTIES.

Mr. GUNCKEL. I present the report of the committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3341) to equalize the bounties of soldiers who served in the late war for the Union having met, after full and free conference agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from its vote non-concurring in the amendments of the Senate, and agree to the same.

LEWIS B. GUNCKEL,
JOHN COBURN,
CHARLES A. ELDREDGE,
Managers on the part of the House.

JOHN A. LOGAN,
HANNIBAL HAMLIN,
JOHN W. STEVENSON,
Managers on the part of the Senate.

Mr. MAYNARD. I hope the gentleman will call the previous question at once. We all understand it as well as we would after discussion.

Mr. ARCHER. I desire to ask the gentleman from Ohio how much the conference committee give additional to that which he estimated the bounties would amount to when he addressed the House on the bill?

Mr. GUNCKEL. In my former estimate I deducted one-third for local bounties. General LOGAN, in charge of the bill in the Senate, called it two-fifths; others make it only one-fourth. If I am right, it adds one-third to the estimate of the bill as it passed the House. As I stated when the bill was first considered in the House, we aimed in our original bill to do justice to every soldier and afford every one just and proper relief and yet to take a smaller amount from the Treasury than proposed by any former bill. But, contrary to our judgment and wishes it was amended and its provisions enlarged and cost increased, first by the House and then by the Senate, so that it is now a very different bill from what it was when reported by the Committee on Military Affairs. It obviates the inequalities between the men of the East and the West complained of before, and is claimed to be more perfectly just and equitable. It certainly is more comprehensive, and provides for many thousands not included in the original bill; but for this very reason it will cost much more money. Just how much more I would not undertake to say, for I have not had time to revise my former estimate.

Mr. ARCHER. Does the gentleman believe that $150,000,000 will be sufficient to meet the obligations this bill will impose upon the Government?

Mr. GUNCKEL. I believe that one-fifth of the amount which the gentleman names will be sufficient—say $30,000,000.

Mr. CESSNA. I have not heard the gentleman from Ohio distinctly. Does he say that this bill is to cost the Government but $30,000,000 or that the Senate has increased it by that amount, adding $30,000,000 to what was in the bill as it passed the House?

Mr. GUNCKEL. There is an addition only of about $10,000,000 to what was estimated on the House bill. I estimated that the House bill would involve a cost of about $20,000,000. This would add some $10,000,000 more. In other words, my estimate would be about the same made by the Senate committee, $30,000,000. I do not wish to deceive the House. I admit that there has not been and cannot, in the nature of the case, be any accurate calculation. It is mere estimate, conjecture, and may prove to be larger or smaller. Well-informed gentlemen have made the estimate very much larger, while others equally well posted have made it very considerably less.

Mr. NEGLEY. I hope there will be no hesitancy in passing this bill.

Mr. GUNCKEL. I desire only to say further that this bill is not such as I should have preferred myself or such as the Military Committee would have recommended. But the House chose to amend the bill reported by the committee; and the Senate has chosen further to amend it, enlarging its provisions and increasing its cost. With the conference committee it was a question of life or death to the bounty bill. It was this or nothing. We could not get ours. We felt it our duty to take theirs rather than fail altogether in this great act of justice. Its only objection is its cost; but if an honest debt, we should not hesitate to pay because the amount happens to be large and our Treasury not very full.

Mr. MAYNARD. Will the gentleman tell us whether the Senate made any amendment to this bill except to strike out the State bounties from the deductions and to provide that bonds may be used under the law of 1870 for the payment of bounties, if necessary, under the present condition of the Treasury?

Mr. GUNCKEL. That is all that is stricken out. The State bounties are not to be deducted. The only deductions are Government bounties paid by the United States. The other addition to the bill is the providing of the ways and means. It is provided that if from time to time there is no money in the Treasury not appropriated available for the purpose, the Secretary of the Treasury is authorized to borrow money by issuing and selling bonds under existing laws. The amendment of the Senate relieves the bill of the objection the New England men had to it, and should have their united support. I now call the previous question.

The previous question was seconded.

The SPEAKER. The question is, Will the House agree to the report of the conference committee?

Mr. MERRIAM. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 150, nays 41, not voting 97; as follows:

YEAS—Messrs. Adams, Albright, Banning, Barber, Barry, Bland, Bradley, Buckner, Bundy, Burchard, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Caulfield, Cessna, John B. Clark, jr., Clements, Clymer, Clinton, L. Cobb, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Cotton, Cox, Crounse, Crutchfield, Danford, Darrall, Dobbins, Donnan, Dunnell, Eames, Eden, Eldredge, Farwell, Field, Fort, Freeman, Gunckel, Hagans, Harmer, Benjamin W. Harris, Hatcher, Havens, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, Hodges, Holman, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Knapp, Lamar, Lansing, Effingham Lawrence, William Lawrence, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Morey, Morrison, Myers, Neal, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Hosea W. Parker, Pelham, Pendleton, Perry, Phillips, Thomas C. Platt, Pratt, Rainey, Randall, Ransier, Rapier, Ray, William R. Roberts, James C. Robinson, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Schell, Sessions, Shanks, Sheats, Sheldon, Lazarus D. Shoemaker, Sloan, Small, John Q. Smith, Snyder, Southard, Speer, Sprague, Stanard, Starkweather, Charles A. Stevens, Stone, Storm, Strait, Strawbridge, Thompson, Todd, Vance, Waldron, Walls, Jasper D. Ward, Marcus L. Ward, Whiteley, George Willard, John M. S. Williams, William Williams, William B. Williams, Willie, James Wilson, Woodworth, and John D. Young—150.

NAYS—Messrs. Albert, Archer, Arthur, Ashe, Atkins, Beck, Bell, Blount, Bowen, Bromberg, Brown, Buffinton, Caldwell, Chittenden, Crossland, Durham, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Joseph R. Hawley, Hereford, Hunton, Lawson, Leach, Merriam, Mills, O'Brien, Phelps, Pierce, Poland, Robbins, Ellis H. Roberts, Sener, Smart, Christopher Y. Thomas, Whitehouse, Whitthorne, Ephraim K. Wilson, and Wolfe—41.

NOT VOTING—Messrs. Averill, Barnum, Barrere, Bass, Begole, Berry, Biery, Bright, Burleigh, Burrows, Amos Clark, jr., Freeman Clarke, Clayton, Corwin, Creamer, Crittenden, Crooke, Curtis, Davis, Dawes, DeWitt, Duell, Finck, Foster, Frye, Garfield, Giddings, Glover, Gooch, Gunter, Eugene Hale, Robert S. Hale, Hathorn, Hays, Herndon, E. Rockwood Hoar, George F. Hoar, Hoskins, Houghton, Kasson, Kelley, Kellogg, Kendall, Killinger, Lamison, Lamport, Lewis, Luttrell, Magee, Marshall, McLean, Milliken, Mitchell, Nesmith, Niblack, Isaac C. Parker, Parsons, Pike, James H. Platt, jr., Potter, Read, Richmond, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sheridan, Sherwood, Sloss, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Standiford, Alexander H. Stevens, St. John, Stowell, Swann, Taylor, Charles R. Thomas, Thornburgh, Townsend, Tremain, Tyner, Waddell, Wallace, Wells, Wheeler, White, Whitehead, Wilber, Charles W. Willard, Charles G. Williams, Jeremiah M. Wilson, Wood, and Pierce M. B. Young—97.

So the report of the committee of conference was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, their Secretary, announced that the Senate had passed, with amendments in which the concurrence of the House was requested, a bill of the following title:

A bill (H. R. No. 4692) making appropriations for the payment of claims allowed by the commissioners of claims under the act of Congress of March 3, 1871.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the river and harbor appropriation bill.

The message further announced that the Senate insisted on its amendments to the deficiency appropriation bill, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MORRILL, of Maine, Mr. ALLISON, and Mr. STEVENSON as conferees on the part of the Senate.

The message further announced that the Senate had passed bills of the House of the following titles, namely:

A bill (H. R. No. 3718) granting a pension to Cornelia M. Arthur;

A bill (H. R. No. 3713) granting a pension to Sarah S. Cooper;

A bill (H. R. No. 4755) granting a pension to William Lyon;

A bill (H. R. No. 965) granting a pension to Samuel Purcell;

A bill (H. R. No. 4329) granting a pension to William S. Small;

A bill (H. R. No. 4773) granting a pension to Margaret Pattison;

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. 4746) authorizing the Second National Bank of Watkins, New York, and the Slater National Bank of North Providence, Rhode Island, to change their names;

A bill (H. R. No. 4800) granting a pension to John H. Looby;

A bill (H. R. No. 4763) granting a pension to Lafayette Briggs;

A bill (H. R. No. 4767) for the relief of Ferdinand Monti; and

A bill (H. R. No. 4771) granting a pension to Charles A. Drake.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SAWYER. I desire to submit the report of the committee of conference upon the river and harbor appropriation bill, and I ask that it be read.

The Clerk read the report.

Mr. HOLMAN. The reading of this report at the Clerk's desk gives no clear understanding of what is contained in this bill. I ask the gentleman submitting the report to state to the House what important changes have been made in the bill since it was passed by the House.

Mr. SAWYER. The principal changes made by the Senate and agreed to by the committee of conference are these: Increases of appropriation for Tennessee River, $200,000; for the Great Kanawha, $200,000; for Cape Fear River, $50,000; for Saint Joseph River, Michigan, $20,000; for Jersey City, $25,000; for New Castle, Delaware, $20,000, &c. In the aggregate the increase of the appropriations in the bill since it left the House amounts to $622,317. The Senate have struck out nothing from the bill as it passed the House, but have increased the appropriations to the amount I have indicated and have added to the bill the Senate jettee system for the mouth of the Mississippi River. The jettee bill that passed the Senate involves the expenditure of $3,000,000 less than the bill passed by the House, and is a bill better guarded than the bill of the House.

Mr. BECK. I would like to ask the amount of the appropriation for the breakwater at Cleveland, Ohio?

Mr. SAWYER. It is $50,000.

Mr. BECK. What is the total cost of that work?

Mr. SAWYER. Somewhere in the neighborhood of a million dollars. That appropriation, however, was not put in by the Senate.

Mr. BECK. The House never heard this bill read. It seems that $50,000 have been appropriated for the breakwater at Cleveland, the lowest estimate for the work being $1,000,000 and the highest estimate $2,000,000.

Mr. SAWYER. The gentleman is mistaken as to the amount that work will cost.

Mr. STANARD. Does not the gentleman believe that the commerce of the lakes and the harbor at Cleveland are of sufficient importance to have a breakwater and a harbor of refuge?

Mr. BECK. They have one now. This appropriation has been put in in order to get votes for the bill.

Mr. PARSONS. The gentleman is entirely mistaken.

Mr. DAWES. What is the increase of appropriations made in this bill since it left the House?

Mr. SAWYER. A little over $600,000.

Mr. DAWES. Does that include the expense of the jettee system?

Mr. SAWYER. It does not. There is no appropriation for the jettee system except $5,000 for surveys. The aggregate amount appropriated by this bill is $6,600,000. Nothing was struck out of the bill by the Senate, but that body added $600,000.

Mr. COX. I desire to say that when this bill was before the House I protested against its passage without examination, because it was a mischievous mode of passing such a bill under suspension of the rules by a two-thirds vote.

Mr. MAYNARD. That is a very important fact to state now.

Mr. COX. This is bad legislation, and I enter my protest against it now and for the future because of the bad system it inaugurates. This bill comes back from the Senate with $600,000 added to it. We cannot possibly call the yeas and nays upon it and defeat it at this late hour of the session. But one thing it is never too late to say: if I have anything to say about legislation hereafter, no appropriation, with my consent, shall go through this House without being read and thoroughly understood.

Mr. MAYNARD. The gentleman being a candidate for your place, Mr. Speaker, I suppose this is a declaration of principles on his part to obtain favor.

Mr. COX. The gentleman may retire to the mountains, and others will take care of his suggestion as to the organization of the House; or he may retire to Constantinople, where I understand he is going.

Mr. SAWYER. I call for a vote on agreeing to the report of the committee of conference.

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

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 23, noes 110; not one-fifth voting in the affirmative.

Before the result of this vote was announced,

Mr. LOUGHRIDGE and Mr. COX called for tellers on ordering the yeas and nays.

Tellers were not ordered, there being but 26 in the affirmative; not one-fifth of a quorum.

So the yeas and nays were not ordered.

The report of the committee was then agreed to.

AFFAIRS IN ALABAMA AND MISSISSIPPI.

Mr. COBURN, from the Committee on Alabama Affairs, submitted the following resolution; which was read, and referred to the Committee on Printing, under the law:

Resolved by the House of Representatives. (the Senate concurring,) That five thousand extra copies of the reports of the Special Committee on Political Affairs in Alabama and in Mississippi, together with the testimony, be printed for the use of the House.

MARINE-HOSPITAL SERVICE.

Mr. NEGLEY. I ask consent to take from the Speaker's table and pass at this time Senate bill No. 976, to promote economy and efficiency in the marine-hospital service. That bill has been examined by the members of the Committee on Commerce, and they concur in the recommendation that the bill be passed.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall cause to be prepared a schedule of the average number of seamen required in the safe and ordinary navigation of registered, enrolled, and licensed vessels of the United States, basing such schedule upon the differences in rig, tonnage, and kind of traffic. And from and after the completion and publication of said schedule hospital dues, at the rate and for the periods prescribed in sections 4585 and 4587 of the Revised Statutes of the United States shall be assessed and collected from the master or owner of each vessel subject to such dues upon the average number of seamen as set forth in said schedule: *Provided*, That nothing herein contained shall be held to debar masters or owners of vessels from deducting such dues from each seaman's wages as by law now authorized.

SEC. 2. That from and after May 1, 1875, every vessel subject to hospital tax, except vessels required by law to carry crew lists, shall have and keep on board, subject to inspection and verification at all times by any officer of the customs, a seaman's time-book, which shall be furnished by the Treasury Department, and in which time-book shall be entered the name, date of shipment, and date of discharge of every seaman employed on board such vessel; and the master or owner of any vessel subject to hospital tax, vessels carrying crew lists as above excepted, shall forfeit and pay the sum of fifty dollars for each and every seaman found employed on board his vessel without a corresponding entry in said time-book; and the sums so forfeited shall be collected by the collector of customs upon the sworn statement of the customs officers who make the inspections, and shall be paid into the Treasury to the credit of the marine-hospital fund for the general purposes of which fund said sums are hereby appropriated.

SEC. 3. That the term "seaman," wherever employed in legislation relating to the marine-hospital service, shall be held to include any person employed on board in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation.

SEC. 4. That the Secretary of the Treasury may rent or lease such marine-hospital buildings, and the lands appertaining thereto, as he may deem advisable in the interests of the marine-hospital service; and the proceeds of such rents or leases are hereby appropriated for the said service.

SEC. 5. That insane patients of said service shall be admitted into the Government Hospital for the Insane upon the order of the Secretary of the Treasury, and shall be cared for therein until cured or until removed by the same authority; and the charge for each such patient shall not exceed $4.50 a week, which charge shall be paid out of the marine-hospital fund.

SEC. 6. That sick and disabled seamen of foreign vessels and of vessels not subject to hospital dues may be cared for by the marine-hospital service at such rates under such regulations as the Secretary of the Treasury may prescribe.

SEC. 7. That the compensation of the supervising surgeon shall be paid out of the marine-hospital fund at the rate of $4,000 per annum.

SEC. 8. That all acts and parts of acts inconsistent with this act are hereby repealed.

The motion to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

PAY OF CLERKS, ETC.

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

Resolved, That the Clerk of the House of Representatives be authorized, and he is hereby directed, to pay to all clerks and employés of the House of Representatives not otherwise provided for, and who do not receive annual salaries, their salaries for one month from the close of this session.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed without amendment bills and a joint resolution of the following titles:

An act (H. R. No. 4772) granting a pension to Richard G. Mobley;
An act (H. R. No. 4757) granting a pension to Fremontia Young;
An act (H. R. No. 4331) granting a pension to Sarah Ann Crosley;
An act (H. R. No. 4782) granting a pension to Ansel Thayer;
An act (H. R. No. 4790) granting a pension to David Salsbury;
An act (H. R. No. 3720) granting a pension to Charles C. Haight;
An act (H. R. No. 3683) granting a pension to Melissa Rankin;
An act (H. R. No. 4777) granting a pension to James A. Forgey;
An act (H. R. No. 4769) granting a pension to Abraanna L. Dunn;
An act (H. R. No. 4754) granting a pension to Betsey A. Eaton;
An act (H. R. No. 2763) granting a pension to Mrs. Sophia Green;
An act (H. R. No. 4793) granting a pension to Mercy E. Scattergood;
An act (H. R. No. 3712) granting a pension to Stillman C. Spaulding;
An act (H. R. No. 3705) granting a pension to Arthur M. Lee, late first lieutenant Eighteenth Illinois Infantry;
An act (H. R. No. 4765) granting a pension to Emilia O. Black;
An act (H. R. No. 3727) granting a pension to John M. Allen;
An act (H. R. No. 4764) granting a pension to Sarah A. Woodworth;
An act (H. R. No. 2794) granting a pension to Elizabeth Wolf;
An act (H. R. No. 1606) granting an increase of pension to Stephen Weatherlow;
An act (H. R. No. 3021) granting pensions to the widows, children, dependent mothers and fathers, or orphan brothers and sisters, of those soldiers who were murdered by guerrillas at Centralia, Missouri, in 1864;
An act (H. R. No. 1628) for the relief of Montraville Patton, of Buncombe County, North Carolina;
An act (H. R. No. 3362) to grant public lands to the State of Alabama to aid in the construction of the Warrior and Tennessee River Railroad;
An act (H. R. No. 2101) for the relief of the owners of the steamer Clara Dolson;
An act (H. R. No. 4449) to amend an act entitled "An act to revive, with amendments, an act to incorporate the Medical Society of the District of Columbia," approved July 7, 1838;
An act (H. R. No. 3641) to amend an act entitled "An act to incorporate the Washington and Georgetown Railroad Company," approved May 17, 1862; and
Joint resolution (H. R. No. 157) authorizing the acceptance by Captain C. H. Wells of the United States Navy, of the cross of the Legion of Honor, conferred upon him by the President of the French Republic.

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

An act (H. R. No. 2179) to incorporate the Inland and Sea-board Coasting Company of the District of Columbia;
An act (H. R. No. 1054) granting a pension to Jefferson W. Davis, first lieutenant Company F, Sixty-fourth Regiment New York Volunteers;
An act (H. R. No. 4573) to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin; and
An act (H. R. No. 4786) granting a pension to Sarah B. Howe and Mary Cranston.

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

An act (S. No. 831) for the relief of D. R. Haggard; and
An act (S. No. 1198) authorizing the President to nominate Henry S. Wetmore a lieutenant in the Navy on the retired list.

The message further announced that the Senate had concurred in the resolution of the House for printing the eulogies delivered upon the death of the late members of the House, Mr. Hooper, Mr. Hersey, Mr. Crocker, and Mr. Rice.

M. VON ENTRESS FUERSTENECK.

Mr. HUNTON. I ask unanimous consent that the bill (S. No. 324) for the relief of M. Von Entress Fuersteneck, late second lieutenant of the Sixty-eighth New York Volunteers, be taken from the Speaker's table and passed.

The bill was read. It appropriates $1,455.20 to be paid to M. Von Entress Fuersteneck, late second lieutenant of Company A of the Sixty-eighth Regiment of New York Volunteers, to cover a period of service from August 30, 1863, to December 21, 1864, inclusive, at which time he was commissioned and actually performed duty as a second lieutenant, but was not mustered in.

There being no objection, the bill was passed.

CLAIMS ALLOWED BY COMMISSIONERS OF CLAIMS.

Mr. LAWRENCE, of Ohio. I ask unanimous consent that the amendments of the Senate to the bill (H. R. No. 4692) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, be taken from the Speaker's table and concurred in.

Mr. COX. Will the gentleman state briefly the effect of those amendments?

Mr. LAWRENCE, of Ohio. The Senate has referred back to the commissioners of claims a few claims which were in the bill as it passed the House.

Mr. COX. Is that the only change?

Mr. LAWRENCE, of Ohio. It is.

Mr. KELLOGG. The Senate has referred back some claims that have already been several times referred to the commissioners. There was no reason for thus referring them; it was absurd to do so; but we must concur in the Senate amendments or lose the bill.

Mr. CESSNA. Has the Senate added anything?

Mr. LAWRENCE, of Ohio. No, sir. With the consent of the House, I will explain the matter. This bill as originally reported from the Committee on War Claims made appropriations covering eleven hundred and sixty-eight cases, the amount appropriated being $748,296.39. As reported by the commissioners of claims, their allow-

ances were distributed among the twelve States over which the commissioners had jurisdiction, as follows:

Alabama	$71,671 82
Arkansas	96,501 00
Florida	13,475 00
Georgia	42,535 86
Louisiana	95,737 00
Mississippi	143,128 00
North Carolina	35,889 57
South Carolina	5,930 25
Tennessee	87,400 80
Texas	1,300 00
Virginia	138,145 42
West Virginia	8,695 00
Total	750,409 72

The claims reported as disallowed in said report numbered twelve hundred and forty-four, and involved the sum of $4,471,995.09. Many of these disallowed claims were reported as disallowed for want of jurisdiction, and necessitated examination of the same by the Committee on War Claims.

The third annual report of the commissioners embraced twenty-four hundred and sixty-five cases, of which number ten hundred and ninety-two were reported as allowed in whole or in part, and thirteen hundred and seventy-three as wholly disallowed.

The thirteen hundred and seventy-three disallowed cases remained on the files of the committee for examination, and many of these cases were examined in connection with the bill under consideration, many cases in that report being reported adversely for want of jurisdiction.

As the practice and proceedings of the commissioners in the examination of these cases is a proper subject of comment, it is equally proper to state that the cases are divided among the commissioners, who individually examine the cases allotted to them. The conclusion of each commissioner is reported to the board, who agree or disagree to the same, the report in each case being unanimous, no case being reported to Congress in which there is not the concurrence of every member of the board.

The cases allowed and disallowed are embraced in a schedule which is made a part of the report of the commissioners. This report is valueless as a basis of a bill without examination of the papers in each of the cases reported upon. The names are misspelled, the amounts allowed are often erroneous, and it requires a careful examination and comparison of all the papers to determine the amount that should be included in the bill. Every case reported allowed by the commissioners has been carefully examined by the clerk of the Committee on War Claims, the allowance compared with the items in the petition, and every computation carried out and verified and the proper amount placed in the bill. One hundred and thirty-three errors, mostly typographical, have been corrected; and every case where the amount allowed exceeded $2,000 was distributed to and examined by members of the committee.

The committee have accepted the awards of the commissioners in the main as conclusive. In all cases where the amount claimed exceeds $10,000 the evidence was taken in Washington before the commissioners, as required by section 3 of the act of March 3, 1871, creating the commissioners of claims. The committee were of opinion that the commissioners were better qualified to pass upon these claims in most respects than a committee of Congress.

The Committee on War Claims accepted these awards, carefully scrutinizing, however, each case where the award exceeded $2,000, it being found utterly impracticable to examine all the cases reported.

From the discussion when the first bill was reported in the second session of the Forty-second Congress it appears that the awards and findings of the commissioners were accepted as in the main conclusive.

When the first bill making appropriations for cases reported allowed by the commissioners of claims was reported to the House by the chairman of the Committee on Claims of the Forty-second Congress, Hon. Austin Blair, the following discussion occurred in answer to the interrogatory of Hon. Samuel Shellabarger, who inquired as to the rules adopted by the commissioners in the examination and allowance of claims reported upon favorably by the commissioners:

Mr. BLAIR, of Michigan. The gentleman will find in the report of the claims commission itself (which is Miscellaneous Document No. 16) a very full statement and discussion of that whole subject. They have acted upon the principle of allowing no claims except those due to loyal persons, and they have been exceedingly particular in requiring evidence upon that point.

By their report it appears that a very large number of claims had been ruled out entirely, upon the ground that the persons were not proved to be loyal. They are confined by the law to the allowance of "stores and supplies for the Army," and they have confined themselves strictly to that, rejecting all claims for damages or anything outside of what are recognized by the Army rules and regulations as "stores and supplies."

They have elaborated very much in their report what they construe that language to be, adopting the rules of the Army, and they have been very strict to follow it.

Mr. SHELLABARGER. Then there is nothing in the bill for losses or destruction of property?

Mr. BLAIR, of Michigan. Nothing at all. They have carefully excluded everything for losses or destruction of property.

Mr. GARFIELD, of Ohio. Is anything allowed in the nature of incidental damages?

Mr. BLAIR, of Michigan. Nothing of the kind.

Mr. GARFIELD, of Ohio. There is nothing in the nature of damages?

Mr. BLAIR, of Michigan. Not at all.

Mr. BUTLER, of Massachusetts. I have heard outside that claims have been presented for rent of buildings occupied by the Army. I desire to know if there is anything in this bill allowed for rent.

Mr. BLAIR, of Michigan. I will state to the gentleman, and I think he will find it stated in the report, that the commission in examining into that question looked into it very carefully to see whether they could allow for the occupation of buildings, but found that under Army operations the occupation of buildings is not regarded as "stores or supplies," but stands *eo nomine* as rent.

Mr. GARFIELD, of Ohio. There is another class of claims which has been pushed upon the Government from time to time, and that is claims for the occupation of land. I know that in several instances in my own experience in the Army claims have been attempted to be fastened upon the Army for the use of fields for camping grounds. If claims of that kind were allowed, we might ultimately be compelled to pay rent for the battle-fields. I desire to ask if there is anything of that kind before the commission at all?

Mr. BLAIR, of Michigan. Nothing of that sort is allowed. On the contrary, all such claims were specially rejected. One member of the Committee on Claims will report a bill to pay such claims simply because they were rejected.

Mr. FARNSWORTH. I believe this commission to be a very fair and a very honest one. It is also very apparent that the House of Representatives cannot examine into all these cases; we must rely upon the report of the commission that has examined these cases, heard the evidence, and examined all the circumstances connected with those cases. We must do that, or else we shall be compelled to overthrow their report and have no sort of regard for it. For one I am inclined to regard the report of that commission as *prima facie* evidence of what should be done in the case.

The preparation of the bill to pay these awards, in connection with the examination of the fourteen hundred cases referred to the committee by the House, involved great clerical labor, necessitating the services of an additional clerk, who was detailed by the commissioners for that purpose to aid the committee. The clerk so detailed was entirely familiar with the cases in the report, and proved very efficient to the committee.

The bill was reported to the House on the 11th of February, the bill to pay awards in second annual report in the last session of the Forty-second Congress being reported February 8, passing the House on that date, and passing the Senate on the last day of the Congress.

It was not possible for the clerks to prepare the bill and insure accuracy to complete the bill any sooner than it was prepared in and reported by the Committee on War Claims.

This fact should be considered in connection with the consideration of this bill, and it is an answer to any adverse criticism as to delay of the Committee on War Claims in reporting this bill. After the bill was reported I made repeated efforts to get it finally acted on; but there was delay in the House which I could not control. In the RECORD of February 24, 1875, will be found a full and complete statement of the action of the committee on this bill.

There being no objection, the amendments were concurred in.

POSTAGE ON AGRICULTURAL NEWSPAPERS, ETC.

Mr. MACDOUGALL. I move that the rules be suspended to pass the joint resolution (H. R. No. 155) relative to postage on monthly newpapers relative to agricultural subjects and implements.

The resolution was read. It provides that hereafter the postage upon all monthly newspapers, whether published gratuitously or for a stated subscription price, when devoted to the interests of agriculture and the dissemination of knowledge relative to agricultural implements and subjects, shall be the same as upon regular monthly newspapers published on secular subjects.

The motion to suspend the rules was not agreed to.

FORT BRADY MILITARY RESERVATION.

Mr. HUBBELL. I move to suspend the rules and pass the bill (S. No. 757) to donate a certain portion of the military reservation of Fort Brady to school-district No. 1, in township of Sault Sainte Marie, and State of Michigan, for school purposes.

The bill, which was read, provides that a certain portion of the military reservation of Fort Brady, situate in the county of Chippewa, and State of Michigan, containing one and twenty-six hundreths acres, and bounded on the north by Portage street, on the east by Church street, on the south by Ridge street, and on the west by the west line of said military reservation, be, and the same is hereby, donated to school district No. 1, in township of Sault Sainte Marie, in the county and State aforesaid, for school purposes, and for no other purpose.

The second section provides that so much of Portage street, Church street, and Ridge street, in the village of Sault Sainte Marie, as is so represented upon a map of said village filed in the General Land Office, as shall embrace the portion of ground aforesaid, be established as such streets.

The rules were suspended and the bill passed, two-thirds voting in favor thereof.

ENROLLED BILLS.

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

An act (S. No. 55) to authorize the purchase of a site for a public building at Topeka, Kansas;

An act (S. No. 271) for the relief of Frances A. Robinson, administratrix of the estate of John M. Robinson, deceased;

An act (S. No. 411) for the relief of the Holy Cross Mission in the Territory of Dakota;

An act (S. No. 468) authorizing the coinage of a twenty-cent piece of silver at the mints of the United States;

An act (S. No. 560) for the relief of William N. Denny, major of the Fifty-first Indiana Volunteer Infantry;

An act (S. No. 706) to amend section 1422 of the Revised Statutes of the United States relating to the better government of the Navy;

An act (S. No. 755) to relieve James Jackson, of Georgia, of his political disabilities;

An act (S. No. 819) for the relief of George W. Dawson;

An act (S. No. 843) for the relief of the survivors of the Polaris;

An act (S. No. 909) approving an act of the Legislative Assembly of Colorado Territory;

An act (S. No. 951) for the relief of John Montgomery and Thomas E. Williams;

An act (S. No. 996) for the relief of the Allegheny Valley Railroad Company;

An act (S. No. 1019) to make an appropriation for public buildings at Covington, Kentucky;

An act (S. No 1097) to donate to the State of Oregon a public building lot and material situated at The Dalles, Oregon;

An act (S. No. 1125) for the relief of the Terre Haute and Indianapolis Railroad Company, successor of the Terre Haute and Richmond Railroad Company, in the State of Indiana;

An act (S. No. 1147) for the relief of Courtland Parker as administrator of George W. Anderson, deceased;

An act (S. No. 1156) for the relief of Joseph H. Colton;

An act (S. No. 1185) for the relief of F. V. Hayden;

An act (S. No. 1122) to authorize the trustees of the Free Young Men's Benevolent Association to sell and convey square No. 272 in the city of Washington;

An act (S. No. 1230) to authorize the construction of a ponton wagon-bridge across the Mississippi River, at or near the city of Dubuque, in the State of Iowa;

An act (S. No. 1237) to amend section No. 3342 of the Revised Statutes of the United States in relation to affixing stamps on brewers' casks;

An act (S. No. 1240) to extend the time within which the board of audit for the District of Columbia may receive, audit, and allow certain claims that have never been presented to said board;

An act (S. No. 1270) to authorize the purchase of a site for public buildings at Harrisburgh, Pennsylvania;

An act (S. No. 907) authorizing corrections to be made in errors in prize lists;

An act (S. No. 1296) to authorize the acceptance in behalf of the United States of America of certain real property occupied by the United States consul at Tunis; and

An act (S. No. 1297) to provide for the republication of the first volume of the Patent Office Gazette.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. GARFIELD. I rise to submit a conference report on the sundry civil appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate 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, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses the following:

That the Senate recede from its amendments numbered 7, 9, 13, 25, 27, 28, 29, 30, 34, 35, 43, 45, 46, 47, 48, 49, 56, 65, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 80, 83, 86, 87, 88, 89, 90, 93, 112, 113, and 115.

That the House recede from its disagreement to the amendments numbered 8, 15, 21, 31, 44, 53, 57, 60, 66, 82, 85, 97, 98, 100, 102, 103, 106, 107, 108, 109, 114, 119, and 122; and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 1, and agree to the same.

That the Senate recede from its amendment numbered 2, with an amendment as follows: Strike out the word "and" where it occurs in line 26, page 3 of the bill, and insert after the word "refuge" in line 27, same page, "and sites for beacons;" and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 16, and agree to the same with an amendment striking out after the word "purposes" in line 3 down to and including the word "thousand" in line 4, and inserting in lieu thereof "185,000;" and striking out all of the proviso down to and including the word "specified" in line 18 of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 20, and agree to the same with an amendment, as follows: After the word "claims" in said amendment insert "of the Senate;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 22, and agree to the same with an amendment, as follows: Substitute for the word "seventy-five" the word "sixty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 39, and agree to the same by inserting after the words "Yerba Buena" the word "island;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 40, with an amendment substituting for the words proposed to be stricken out the following: "That the Secretary of the Interior be, and is hereby, authorized and directed to cause a careful examination to be made for the purpose of ascertaining whether any person, firm, or corporation is now occupying any larger portion of the land known as the Rancho Panoche Grande than is authorized and allowed by the laws relating to mining lands, and that he make a full and detailed report of such examination to Congress at the beginning of the next session; and to enable the Secretary of the Interior to carry into effect this provision, the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated."

That the House recede from its disagreement to the amendment numbered 42, and agree to the same by substituting for the words proposed to be inserted the words "seventy-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 64, and agree to the same with an amendment substituting the word "forty" for "twenty" in said amendment; and the Senate agree to the same.

That the House recede from its amendment to the amendment of the Senate numbered 95, and agree to the same.

That the Senate recede from so much of its amendment as strikes out section 2 of the bill, with an amendment striking out all after the word "dollars" in lines 57 to 73 of the bill down to and including the word "six," and inserting in lieu thereof the following: "two chiefs of divisions, at $2,400 each; two clerks of class four; five clerks of class three;" and the House agree to the same as so modified.

That the House recede from its disagreement to the amendment numbered 124, and agree to the same with an amendment striking out the word "copies" and inserting in lieu thereof the words "one copy;" and the Senate agree to the same.

JAMES A. GARFIELD,
EUGENE HALE,
Managers on the part of the House.

AARON A. SARGENT,
STEPHEN W. DORSEY,
JAMES K. KELLY,
Managers on the part of the Senate.

Mr. GARFIELD. If there are any inquiries any gentlemen desire to make in regard to this report I will listen to them. I believe my colleague on the committee, the gentleman from Pennsylvania, [Mr. RANDALL,] desires three minutes. I yield him that time.

Mr. TODD. I would like to inquire of the gentleman from Ohio what is the report of the committee in regard to the payment of contested-election expenses?

Mr. GARFIELD. Very unfortunately, as I think, they all go in.

Mr. RANDALL. Not having been willing to sign the report of the conference committee, it is due to the House and due perhaps to the country, that I should say why I consider this bill, aggregating the amount of $37,000,000, as utterly unjustifiable in the present condition of the finances of the Government and the present condition of the business of the country. And not only do I protest against the aggregate amount appropriated, but there are all through this bill appropriations for objects, to use a mild term, which may be characterized as of the most doubtful propriety. In addition to this general opposition which I have to the bill, I think that in another respect this committee has utterly failed to give in the report that decision which the large majority of this House had a right to expect in reference to the amendment relating to the New Idria Company and the Government ownership of that land. The provision which has been inserted is to my mind a mere sham, and calculated rather to retard the interest of the Government in repossessing that land now held in excess of every right, legal and moral, on the part of that company. These, Mr. Speaker, are the reasons which prompted me in refusing to give my sanction to any such extravagant and outrageous appropriation bill at this time.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, their Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the bill (H. R. No. 4851) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1875, and prior years, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. BUTLER, of Massachusetts. Will the gentleman from Pennsylvania yield to me a moment?

Mr. RANDALL. I will.

Mr. BUTLER, of Massachusetts. I should like to inquire what precisely is the provision to which the gentleman has referred? If I understand it, it is this: The $5,000 are appropriated which the House desired. But it is only to have the Secretary of the Interior inquire whether there is anybody on that land claiming it and to report to some other Congress.

Mr. RANDALL. The next Congress.

Mr. BUTLER, of Massachusetts. Not to bring any suit?

Mr. RANDALL. No, sir.

Mr. BUTLER, of Massachusetts. Not to substantiate the title of the United States?

Mr. RANDALL. No, sir.

Mr. BUTLER, of Massachusetts. I do not know but this is the last time I shall ever address any public assembly. But if it was my last word anywhere and everywhere I should protest against this neglect to carry out the voice and vote of the House three times over expressed, once by vote of 138 to 5, that the Government should reclaim this great piece of property that is withheld from them.

Mr. GARFIELD. I desire to say only a very few words in regard to this bill. There were only some seventy-five amendments pending here as differences between the Senate and House, and the Senate receded absolutely on forty-one; the House receded absolutely on twenty-three; on all the others there was a mutual concession and agreement in each case. In many cases, in most cases, the amounts appropriated have been cut down. I do not think the bill largely, if at all, exceeds in amount what it appropriated when it left the House. I shall be surprised if the amount is not found to be smaller. On every great substantial question of importance the will of the House was fairly realized. We have had far more than our share in number and amount and importance of items in the adjustment between the Senate and House.

My colleague says he thinks there are too large appropriations here, appropriations which cannot be defended. I think when an analysis of this bill comes to be made he will find it difficult to point out the extravagance to which he refers. There are some things which I think are extravagant. I greatly regret that we have violated the old rule in regard to the payments of parties to contested elections,

allowing a large number to come in, and opening the door to a future bad practice.

Mr. SPEER. I ask the gentleman how this amendment of the House, appropriating nearly $30,000 for expenses of election cases, was agreed to by the committee after the Senate had struck it out?

Mr. GARFIELD. It was struck out, but the Senate yielded under the pressure of our House. The only special point that has been noticed is in regard to the Rancho Panoche Grande. On that subject, though, I was very decided in my opinion that this had no business in an appropriation bill, yet I felt it was my duty to be loyal to the House and insist that, if possible, the Senate should concede what was the will of the House. We had reason to believe, indeed we were told by the conferees on the part of the House, that not three Senators were willing to support that; that they were utterly and irreconcilably opposed to it; and in that view of the case we inquired of our associate conferee what was the point to be reached, and as nearly as we could ascertain it was this: that so far as it had any public bearing whatever, it was claimed that some people had obtained possession of and were operating a larger portion of that ranch than they were entitled to under the mining law. So far as that allegation went it was indeed a public matter, and to meet that view we thought we would proceed on the principle of hearing first and striking afterwards; and we therefore propose that the Secretary of the Interior shall examine and report whether this allegation were true, and we gave him $5,000 to conduct the examination. That done, it is to be laid before the next Congress. I will say only in conclusion that I do not believe that this squabble between private interests ought ever to have been put on an appropriation bill. I demand the previous question.

Mr. LOUGHRIDGE. I desire to ask the gentleman from Ohio whether the restriction in regard to public buildings is retained?

Mr. GARFIELD. The general restriction is retained, but the special restrictions were not retained.

The question was put, and the report of the committee of conference was agreed to.

Mr. GARFIELD moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. PARKER, of Missouri. I submit the report of the committee of conference on the deficiency bill. I ask the Clerk to read it.

The Clerk read the report.

Mr. PARKER, of Missouri. I demand the previous question on the report.

The previous question was seconded and the main question ordered; and under the operation thereof the report of the committee of conference was agreed to.

Mr. PARKER, of Missouri, moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

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

A bill (H. R. No. 4502) for the relief of Mary L. Woolsey, widow of the late Commodore Melancthon B. Woolsey, of the Navy;

A bill (H. R. No. 4774) granting a pension to Mary Ann McDonald;

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

A bill (H. R. No. 1769) for the relief of Colonel Daniel McClure Assistant Paymaster-General;

A bill (H. R. No. 965) granting a pension to Samuel Purcell;

A bill (H. R. No. 4775) granting a pension to Margaret Pattison;

A bill (H. R. No. 4754) granting a pension to Betsy A. Eaton;

A bill (H. R. No. 4777) granting a pension to James A. Forgey;

A bill (H. R. No. 4800) granting a pension to John H. Looby;

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. 3718) granting a pension to Cornelia M. Arthur;

A bill (H. R. No. 1606) granting an increase of pension to Stephen Weatherlow;

A bill (H. R. No. 3713) granting a pension to Sarah S. Cooper;

A bill (H. R. No. 4329) granting a pension to William H. Small;

A bill (H. R. No. 4776) granting a pension to Elizabeth Lanning;

A bill (H. R. No. 4763) granting a pension to Lafayette Briggs;

A bill (H. R. No. 4767) for the relief of Ferdinand Monti;

A bill (H. R. No. 4755) granting a pension to William Lyon; and

A bill (H. R. No. 3341) to equalize the bounties of soldiers who served in the late war for the Union.

D. R. HAGGARD.

Mr. BECK. I ask unanimous consent to take from the Speaker's table and pass the bill (S. No. 831) for the relief of D. R. Haggard.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to D. R. Haggard, late colonel of the Fifth Regiment of Kentucky Volunteers, out of any money in the Treasury not otherwise appropriated, the sum of $4,000, in full compensation and satisfaction of his claim against the Government of the United States for quartermaster and commissary stores taken from his farm, near Burksville, Kentucky, by United States forces during the war of the rebellion, and used by them.

No objection being made, the bill received its several readings, and was passed.

Mr. BECK 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.

BRIDGE ACROSS THE MISSISSIPPI RIVER.

On motion of Mr. MORRISON, by unanimous consent, the bill (H. R. No. 4528) amendatory of the act approved March 3, 1873, entitled "An act authorizing the construction of a bridge across the Mississippi River, at Saint Louis, in the State of Missouri," was taken from the Speaker's table, and the amendments of the Senate thereto were concurred in.

BOUNDARY LINE OF ARKANSAS.

Mr. AVERILL. I ask unanimous consent to have the House consider and pass at this time Senate bill No. 679, to establish the boundary line between the State of Arkansas and the Indian country.

The first section declares that the boundary line between Arkansas and the Indian country, as originally surveyed and marked, and upon which the lines of the survey of the public lands in the State of Arkansas were closed up, shall be the permanent boundary line between Arkansas and the Indian country.

The second section directs the Secretary of the Interior, as soon as practicable, to cause the boundary line as fixed in the foregoing section to be retraced and marked in a distinct and permanent manner, and provides that if the original line, when retraced, shall be found to differ in any respect from what the boundary line would be if run in accordance with the provisions of the treaties establishing the eastern boundary line of the Choctaw and Cherokee Nations, then the surveyor shall note such variations and compute the area of the land which in that case would be taken from the State of Arkansas or the Indian country, as the case may be; and the Secretary of the Interior shall cause to be obliterated any monuments set up in any former surveys indicating any line at variance with the surveys provided for in this act.

No objection being made, the bill was passed.

INLAND AND SEA-BOARD COASTING COMPANY.

Mr. CHIPMAN. I ask unanimous consent for the House to concur in the amendment of the Senate to House bill No. 2179, to incorporate the Inland and Sea-board Coasting Company of the District of Columbia.

No objection was made.

PAY OF CLERKS OF COMMITTEES.

Mr. STANARD, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the clerk of the Committee on Commerce be allowed the same compensation for his services as the clerk of the Committee on Accounts for such time as his services are necessary, subject to the approval of the Committee on Accounts.

Mr. KELLOGG submitted the following resolution; which was read, considered, and adopted:

Resolved, That there be paid out of the contingent fund to the clerk of the Committee on Reform in the Civil Service the usual rate of compensation to clerks of committees for the present session of Congress; and to the messenger of the Committee on War Claims the sum of $200, for services rendered the committee during the present session.

Mr. DUELL submitted the following resolution; which was read, considered, and adopted.

Resolved, That the Committee on Expenditures on Public Buildings and the Committee on Expenditures in the Post-Office Department have leave for the employment of a clerk jointly during the present session of Congress, at the usual rate of compensation; and the Clerk of the House of Representatives is hereby directed to pay the clerk of said committees his salary from the commencement of this session.

IMPROVEMENT OF FOX AND WISCONSIN RIVERS.

On motion of Mr. SAWYER, by unanimous consent, Senate amendments to the bill (H. R. No. 4573) to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin, were taken from the Speaker's table, read, and concurred in.

REMOVAL OF POLITICAL DISABILITIES.

On motion of Mr. YOUNG, of Georgia, by unanimous consent, the bill (S. No. 917) for the relief of Robert H. Anderson, of the county of Chatham, State of Georgia, was taken from the Speaker's table, read three times, and passed.

On motion of Mr. WHITTHORNE, by unanimous consent, the bill S. No. 1260) to remove the political disabilities of James M. Quarles, of Nashville, Tennessee, was taken from the Speaker's table, read three times, and passed.

LYDIA CRUGER.

On motion of Mr. HAZELTON, of Wisconsin, Senate amendment to the bill (H. R. No. 4839) for the relief of Lydia Cruger, executrix

of Moses Sheppard, deceased, was taken from the Speaker's table and read, as follows:

Strike out all after the enacting clause and insert the following:
That the claim heretofore reported to Congress by the Court of Claims in favor of Lydia Cruger, executrix of Moses Sheppard, deceased, be referred back to the said court, with power to hear and determine the same as in other cases, and with the right to either party to use the evidence heretofore taken in said cause so far as the said court shall deem the same pertinent and competent.

The amendment was concurred in.

MILITARY BOUNTY-LAND WARRANTS.

Mr. TOWNSEND. I ask unanimous consent that the bill (S. No. 763) to exempt military bounty-land warrants and the lands obtained thereby from sale, &c., be taken from the Speaker's table and passed.

The bill was read. It provides that all military bounty-land warrants granted, or to be granted, under and pursuant to any act of Congress to officers, musicians, and privates, whether of regulars, rangers, or militia, and to the officers, seamen, flotilla-men, clerks, and landsmen in the Navy, or to other persons enumerated in any such act, for services in any of the wars in which this country has been engaged since 1790, and the lands obtained by such warrants, shall be exempt from payment of any debt or liability incurred by such officers, soldiers, seamen, or other persons named in the warrants prior to the issuing of the patents for such lands.

There being no objection, the bill was read three times, and passed.

AMENDMENTS TO PENSION BILLS.

On motion of Mr. RUSK, by unanimous consent, Senate amendments to bills of the following titles were read and concurred in:

An act (H. R. No. 1054) granting a pension to Jefferson W. Davis; and

An act (H. R. No. 4786) granting a pension to Mrs. Sarah B. Howe and Mrs. Mary Cranston.

OSCEOLA C. GREEN.

Mr. FORT. I move to suspend the rules and pass the bill (S. No. 629) for the relief of Osceola C. Green, administrator *de bonis non* and one of the heirs at law of Lieutenant-Colonel Uriah Forrest.

The bill was read. It directs the proper accounting officers of the Treasury to settle with Osceola C. Green, administrator *de bonis non* and one of the heirs at law of Lieutenant-Colonel Uriah Forrest, of the Maryland Line of the Army of the Revolution, for the half-pay for life due to the said Lieutenant-Colonel Uriah Forrest under the resolve of October 21, 1780, from the end of the revolutionary war to the time of his death, July 8, 1805.

Mr. WILLARD, of Vermont. Has this bill been considered by any committee?

Mr. FORT. By the Committee on Revolutionary Claims.

Mr. WILLARD, of Vermont. Do they report favorably?

Mr. FORT. Yes, sir.

Mr. HOLMAN. I hope the House will not inaugurate the policy of passing this class of bills. These claims have long since been regarded as barred by the policy of this Government.

Mr. FORT. The bill has been examined by the Committee on Revolutionary Claims.

Mr. HOLMAN. Here is a claim more than seventy-five years old. Three generations have passed since the occurrence of the events on which it is founded.

The motion to suspend the rules was not agreed to, there being—ayes 41, noes not counted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, their Secretary, announced that the Senate had agreed to the report of the committee of conference on the sundry civil appropriation bill.

DANIEL H. KELLEY.

Mr. BUTLER, of Tennessee. I move to suspend the rules and put on its passage the bill (S. No. 841) to place the name of Daniel H. Kelley upon the muster-roll of Company F, Second Tennessee Infantry.

The bill directs the Secretary of War to place the name of Daniel H. Kelley, deceased, on the muster-roll of Company F, Second Tennessee Infantry, to date December 1, 1861.

The rules were suspended (two-thirds voting in favor thereof) and the bill was passed.

HOT SPRINGS RESERVATION OF ARKANSAS.

Mr. HYNES. I ask, by unanimous consent, to take from the Speaker's table a bill (S. No. 1096) amendatory of the act entitled "An act in relation to the Hot Springs reservation in the State of Arkansas."

The bill, which was read, provides that the act entitled "An act in relation to the Hot Springs reservation in the State of Arkansas," passed in the year 1870, be, and the same is hereby, so amended that the taking of an appeal, as provided in said act, shall in no manner supersede the action, authority, or power of the receiver provided for in said act.

Mr. HAZELTON, of Wisconsin. Has that bill been before any committee of this House?

Mr. HYNES. I am sure if the gentleman listened to the bill there can be no objection to its passage.

Objection was made.

Mr. HYNES. I move to suspend the rules and pass the bill.

The House refused to suspend the rules, two-thirds not voting in favor thereof.

ROBERT W. JOHNSON, FORMERLY OF ARKANSAS.

Mr. GARFIELD. I ask by unanimous consent to take from the Speaker's table a bill (S. No. 1331) to remove the political disabilities of Robert W. Johnson, formerly of Arkansas.

The SPEAKER. There is nothing in it but provision removing the political disabilities of Robert W. Johnson, formerly of Arkansas.

Mr. RAINEY. Does a petition accompany the bill?

The SPEAKER. The Chair understands one did accompany the bill in the Senate, from which this comes.

Mr. GARFIELD. I move to suspend the rules and pass the bill.

The rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.

THOMAS F. FAUNTLEROY.

Mr. GARFIELD. I move to suspend the rules and take from the Speaker's table the amendments of the Senate to the bill (H. R. No. 3602) to remove the political disabilities of Thomas F. Fauntleroy and Charles H. Williamson, citizens of Virginia.

The amendments of the Senate were to strike out "Charles H. Williamson" and to amend the title so it will read, "An act to remove the political disabilities of Thomas F. Fauntleroy, of Virginia.

The rules were suspended, (two-thirds voting in favor thereof,) and the amendments of the Senate were concurred in.

DISTRICT COURTS OF LOUISIANA.

Mr. WILSON, of Indiana. I move, on behalf of the Committee on the Judiciary, that the bill (S. No. 88) for the better organization of the district courts of the United States within the State of Louisiana be taken from the Speaker's table and passed.

Mr. SENER. I object.

Mr. COX. I also object to that bill, because it establishes a new judicial district in Louisiana.

Mr. SPEER. It establishes another set of judicial officers. It creates a new judicial district in the State of Louisiana.

Mr. WARD, of Illinois. I move it be referred to the Committee on the Judiciary.

Mr. WILSON, of Indiana. I will state what there is in the bill. It provides for the creation of a new judicial district in Louisiana; for a judge at a salary of $3,500, and for a marshal and a clerk. That is all there is in the bill. The same bill passed the House in the Forty-second Congress and has been approved by the Committee on the Judiciary of the present Congress. I move to suspend the rules and pass the bill.

Mr. SPEER. I object.

The House refused to suspend the rules and pass the bill, two-thirds not voting in favor thereof.

COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. DAWES. I offer the following resolution.

The Clerk read as follows:

Resolved, That there be appointed a committee of three members, to join such committee of the Senate as they may appoint to wait on the President of the United States and inform him if he has no further communication to make the two Houses are ready to adjourn.

The resolution was adopted.

EMPLOYÉS OF HALL FOLDING-ROOM.

Mr. RANDALL. I offer the following resolution:

Resolved, That the Clerk of the House be authorized and directed to pay out of the contingent fund of the House to the two employés of the hall folding-room their pay for the month of March.

Mr. RANDALL. These are two pages omitted in the resolution passed yesterday, and all ought to fare alike. They are the two lads who attend the hall folding-room.

There was no objection, and the resolution was adopted.

ENROLLED BILLS.

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

An act (H. R. No. 4528) amendatory of the act approved March 3, 1873, entitled "An act authorizing the construction of a bridge across the Mississippi River at Saint Louis, in the State of Missouri;"

An act (H. R. No. 2101) for the relief of the owners of the steamer Clara Dolsen;

An act (H. R. No. 4790) granting a pension to David Saulsbury;

An act (H. R. No. 4764) granting a pension to Sarah A. Woodruff;

A joint resolution (H. R. No. 157) authorizing the acceptance by Captain E. H. Wells of the United States Navy of the cross of the Legion of Honor conferred on him by the President of the French Republic;

An act (H. R. No. 3683) granting a pension to Melissa Rankin;

An act (H. R. No. 4746) authorizing the Second National Bank of Watkins, New York, and the Slater National Bank of North Providence, Rhode Island, to change their names;

An act (H. R. No. 2794) granting a pension to Elizabeth Wolf;

An act (H. R. No. 3362) for the relief of Mrs. Sarah B. Forest, widow of Lieutenant Dulaney N. Forest, late of the United States Navy;

An act (H. R. No. 3720) granting a pension to Charles C. Haight;

An act (H. R. No. 4449) to amend an act entitled "An act to revive with amendments an act to incorporate the Medical Society of the District of Columbia," approved July 7, 1838;

An act (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;

An act (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes;

An act (H. R. No. 4782) granting a pension to Ansel Thayer, of Braintree, Massachusetts;

An act (H. R. No. 4866) for the relief of Major N. H. McLean, late of the Adjutant-General's Department, United States Army;

An act (H. R. No. 3641) to amend the act entitled "An act to incorporate the Washington and Georgetown Railroad Company;"

An act (H. R. No. 4692) making appropriations for the payment of claims reported allowed by the commissioner of claims under act of Congress March 31, 1871;

An act (H. R. No. 1606) granting increase of pension to Steven Weatherloe; and

An act (H. R. No. 3021) granting pensions to the widows, children, dependent mothers and fathers, and the orphan brothers and sisters of those soldiers who were murdered by guerrillas in Centralia, Missouri, in 1864.

OWNERS OF THE BRIG MARGARETTA.

Mr. SHOEMAKER, of Pennsylvania. I ask that by unanimous consent the bill (S. No. 535) for the relief of the owners of the Haytian brig Margaretta or their legal representatives be now passed.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to the owners of the Haytian brig Margaretta or their legal representatives the sum of $1,378.75, the same being the amount paid by Robert Murray, jr., as discriminating tonnage dues upon the Haytian brig Margaretta in the years 1867 and 1868, in contravention of the treaty then existing between the United States and the republic of Hayti.

There was no objection; and the bill, by unanimous consent, was passed.

WILLIS N. ARNOLD.

Mr. LAWRENCE, of Ohio, by unanimous consent, from the Committee on War Claims, reported back, with the recommendation that it do pass, the bill (S. No. 574) for the relief of Willis N. Arnold.

Mr. ATKINS. I object.

Mr. LAWRENCE, of Ohio. I move to suspend the rules.

The SPEAKER. The bill will be read.

The bill was read. It directs the Secretary of the Treasury to pay to Willis N. Arnold, of Henderson County, Tennessee, the sum of $6,000, out of any moneys in the Treasury not otherwise appropriated, it being the amount collected by the military authorities for his benefit and paid by them into the United States Treasury.

Mr. LAWRENCE, of Ohio. This bill for the relief of Willis N. Arnold is reported from the Committee on War Claims. It has been examined by the Committee on War Claims, and I was authorized to report from the committee with the recommendation that it do pass. It is precisely like the bill which has already been passed and approved by the President for the relief of John Aldredge, of Henderson Station, Tennessee. I present to the House the following statement from the War Department, which contains all the information necessary on the subject of this bill when taken in connection with the report on the claim of John Aldredge:

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., December 2, 1871.

SIR: With reference to the claim of W. N. Arnold and others, for cotton destroyed at Henderson Station, Tennessee, by rebel troops—referred to this office November 20, 1871, for report as to the liability of the Government for payment of these claims, having reference to the statement of claimants that the cotton was seized while in transit to Memphis and used for breastworks and fortifications, and while in possession of the United States the cotton was captured and destroyed by rebels, &c.—I have the honor to report:

As regards the question on which the opinion of the Quartermaster-General is called for, that is liability of the United States for the cotton, I find that the cotton is alleged to have been taken possession of and placed in breastworks for defense of the post of Henderson Station and to have been destroyed by the enemy when the garrison was captured by the rebel forces.

I think that the United States is not liable for the destruction by an enemy of property thus temporarily used. The cotton piled in breastworks cannot be held as actually appropriated to the use of the United States. Like any other bulky packages which could be left out of doors and used in case of danger as a shelter from behind which to fire at an enemy, it would, had it been successfully defended, have been ultimately restored to owners. The cotton does not appear to have been confiscated, seized as forfeited, or appropriated to the United States.

By law and general orders relating to captured and abandoned property all property coming into possession of the Army was to be reported, and unless needed for military uses was to be finally turned over to the Treasury agents, charged with such expense of transportation as had been incurred by the Quartermaster's Department, but no officer of the Army had authority to pay for such property.

Cotton used for breastworks is not quartermasters' stores. The proper material for breastworks is earth, with sod or wood revetment; and the provision of material for this purpose belongs to the Engineer Department, and cannot be paid for by the Quartermaster-General as quartermaster stores under the law of 4th July, 1864.

The destruction was the act of the enemy. The United States lost largely while guarding this property, and I do not see that the United States became liable for its destruction by using the property itself as a means of protection while defending it.

General Grant, then commanding, ordered a war levy upon neighboring rebels, and the full value of the United States property and of the cotton—private property—destroyed appears to have been collected. Colonel Hillyer states that the money thus collected exceeded the amount which General Grant had intended to have collected, and that General Grant refused to permit it to be applied to payment of private losses and damages.

Part of the contribution or levy appears to have gone into the military railroad department, being that which represented the value of public property destroyed. Part of the remainder, namely, $30,000, went into the hands of the quartermaster, Colonel C. A. Reynolds, as appears from his accounts on file at the Treasury.

In settling the accounts of officers of this Department at the Treasury, all these military collections, levies, rents of abandoned or captured buildings, &c., are, if their proceeds have been used in the operations of the Quartermaster's Department, charged against the regular appropriation of the Quartermaster's Department, and the amount is placed in the Treasury by transfer warrant to credit of these irregular funds.

While it was within the military authority and power of a general in the field to levy and collect moneys as fines, and while he might have paid the proceeds to those who had been injured by the enemy, it appears that General Grant refused to do this; and I know of no law by which any officer of the United States can now take this money from the Treasury and apply it to payment of these losses and damages.

I am of opinion that the parties have no claim in law, and no officer, so far as I know, has power to relieve them.

I am, very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General, Brevet Major-General United States Army.

The Hon. SECRETARY OF WAR,
Washington, District of Columbia.

Approved.

WM. W. BELKNAP,
Secretary of War.

APRIL 26, 1872.

The question being taken on suspending the rules and passing the bill, the Speaker declared that on the division by sound two-thirds had not in the opinion of the Chair voted in the affirmative.

Mr. LEWIS. I call for a division. This is the same as the Aldredge bill which we passed the other day.

The House divided; and there were—ayes 61, noes 85.

So (two-thirds not having voted in the affirmative) the rules were not suspended.

PRINTING OF DOCUMENTS.

The SPEAKER. The Chair desires to make a statement to the House. There are various documents which have been received from the Executive Departments, upon which it is of course too late to act during this Congress. There are some of them of considerable importance which ought to be printed. The Chair asks that he be allowed to direct their printing, with the proper references, so that they may be on the files of the next Congress merely as printed documents.

There was no objection, and it was so ordered.

Mr. GARFIELD. I ask in the same connection that some reports which the Committee on Appropriations have made on various subjects be printed.

The SPEAKER. That privilege was given yesterday under a suspension of the rules.

ANGUS DEAN.

Mr. HOLMAN, by unanimous consent, presented the memorial of Angus Dean, of Clark County, Indiana, in regard to the subject of jettees; which was referred to the Committee on Commerce, and ordered to be printed.

DELEGATES OF CHEROKEE NATION.

Mr. PHILLIPS, by unanimous consent, presented a memorial of the delegates of the Cherokee Nation; which was referred to the Committee on Indian Affairs, and ordered to be printed.

PAY OF TELEGRAPH OPERATOR.

Mr. MAYNARD. I ask unanimous consent to present a bill to pay the telegraph operators of the Senate and House of Representatives.

The bill was read. It appropriates the sum of $1,000, out of any money in the Treasury not otherwise appropriated, to pay the telegraph operators of the House and Senate from July 1, 1875, to December 1, 1875, of which $500 shall be paid by the Clerk of the House of Representatives to the House operator, and the sum of $500 shall be paid by the Secretary of the Senate to the Senate operator.

There was no objection, and the bill (H. R. No. 4869) was read three times, and passed.

SALE OF LANDS AT VINCENNES, INDIANA.

On motion of Mr. NIBLACK, by unanimous consent, the bill (H. R. No. 3339) authorizing the sale of certain lands at Vincennes, Indiana, with Senate amendments, was taken from the Speaker's table, and the Senate amendments were concurred in.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, their Secretary, informed the House that the Senate had passed, without amendment, a joint resolution and bill of the following titles:

Joint resolution (H. R. No. 102) for the relief of Lowell A. Chamberlain; and

A bill (H. R. No. 2419) to provide for the construction of military roads in Arizona.

THANKS TO THE OFFICERS OF THE HOUSE.

Mr. NIBLACK. I desire to offer the following resolution, which I hope will be unanimously adopted:

Resolved, That the thanks of the House are due and are hereby tendered to the Clerk, Sergeant-at-Arms, Doorkeeper, Postmaster, and other subordinate officers of the House for the courtesy, efficiency, and fidelity with which they have discharged the duties of their several offices.

Mr. COX. I move to insert the word "Chaplain."

Mr. DAWES. I must object, and I object only because this thing seems to be traveling beyond all precedent.

COMMITTEE TO WAIT ON THE PRESIDENT.

The SPEAKER. The Chair names as the committee to wait on the President of the United States Mr. DAWES, Mr. MAYNARD, and Mr. COX.

ENROLLED BILLS SIGNED.

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

A bill (S. No. 831) for the relief of D. R. Haggard;

A bill (S. No. 976) to promote economy and efficiency in the marine-hospital service;

A bill (S. No. 324) for the relief of M. Von Entress Fuersteneck, late second-lieutenant of the Sixty-eighth New York Volunteers;

A bill (S. No. 757) to donate a certain portion of the military reservation of Fort Brady to school district No. 1, in township of Sault Ste. Marie, and State of Michigan, for school purposes; and

A bill (H. R. No. 4851) making appropriations to supply deficiencies in the appropriations for fiscal years ending June 30, 1875, and prior years, and for other purposes.

GEOLOGICAL AND GEOGRAPHICAL SURVEY OF THE TERRITORIES.

Mr. DONNAN. I call up the concurrent resolution of the House in relation to the printing of the geological and geographical survey of the Territories, which has been returned from the Senate with an amendment. I ask that it be read.

The Clerk read as follows:

Resolved, That the Senate agree to the resolution of the House of Representatives in relation to the printing of the geological and geographical surveys of the Territories for the year 1874, with the following amendment:

In line 6, strike out the words "one thousand" and insert the words "five hundred."

Mr. DONNAN. I will say that the amendment of the Senate simply reduces the number. I desire to call the attention of the House to the fact that the Senate resolution is in the form originally reported by the Committee on Printing. The amendment of the Senate contemplates the printing of four thousand copies of Professor Hayden's report, two thousand five hundred copies of which shall be for the use of the House of Representatives, one thousand copies for the use of the Senate, and five hundred copies for the use of the Smithsonian Institution.

The amendment of the Senate was concurred in.

ADMISSION OF LADIES TO THE FLOOR.

Mr. PACKARD. Before that motion is put, I desire to ask unanimous consent of the House that during the few remaining moments of the session ladies may be admitted to the floor of the House.

The SPEAKER. Is there objection?

Mr. KASSON. On condition that no more bills are to be acted on.

The SPEAKER. Then the gentleman from Iowa objects.

ENROLLED BILLS SIGNED.

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

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

A bill (H. R. No. 3602) to remove the political disabilities of Thomas T. Fountleroy and Charles H. Williamson, citizens of Virginia;

A bill (H. R. No. 4814) to relieve James M. Hawes, of Covington, Kentucky, of all political disabilities; and

A bill (H. R. No. 3891) relieving the political disabilities of Edward Booker, of Henry County, Virginia.

ADMISSION OF LADIES TO THE FLOOR.

Mr. PACKARD. I renew my request that for the remainder of the session ladies may be admitted on the floor of the House.

The SPEAKER. Is there objection? The Chair hears none, and the order is made.

HOT SPRINGS RESERVATION, ARKANSAS.

Mr. HYNES. I again ask unanimous consent for the passage of the bill (S. No. 1096) amendatory of the act entitled "An act in relation to the Hot Springs reservation in the State of Arkansas.

Mr. HOLMAN. I must object to the passage of a bill of that character at this late stage of the session.

Mr. HYNES. I move, then, to suspend the rules and pass the bill. I ask that the gentleman from New York [Mr. POTTER] may give an explanation of the bill, as he understands the facts.

Mr. SAYLER, of Ohio. This question has never been considered by the appropriate committee, the Committee on Private Land Claims, and I do not see why it should be passed at this last hour of the session without proper consideration.

Mr. HYNES. It is a Senate bill.

Mr. SAYLER, of Ohio. I do not care if it is a Senate bill.

Mr. HYNES. It is simply that the revenues may be put into the possession of the Government.

The question was taken on suspending the rules; and upon a division there were ayes 62, noes not counted.

So (two-thirds not voting in favor thereof) the rules were not suspended.

ALMON BARNES.

Mr. MACDOUGALL. I ask unanimous consent for the House now to consider and pass House bill No. 815, for the relief of Almon Barnes.

Mr. LAWRENCE, of Ohio. That bill is right. It has been examined by the Committee on War Claims and found to be correct.

There being no objection, the bill was passed.

PAY OF CLERK OF COMMITTEES.

Mr. ALBRIGHT, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Clerk of the House of Representatives of the United States pay out of the contingent fund to the clerk of the Committees on Revolutionary Pensions and War of 1812 and of Coinage, Weights, and Measures his salary from the beginning of the second session of the Forty-third Congress, he having rendered the services for such period, and no other person having been paid for the same.

WITHDRAWAL OF PAPERS.

Unanimous consent was asked and obtained for the withdrawal of papers in the following cases:

By Mr. MYERS: In the case of E. Brady.

By Mr. LEWIS: In the case of Mrs. Louisa A. Jamison.

By Mr. HAZELTON, of Wisconsin: In the case of Mrs. Susan Willard.

By Mr. HAWLEY, of Connecticut: In the case of J. S. Lyon.

By Mr. WILLIAMS, of Indiana: In the case of J. B. White.

By Mr. ARCHER: In the case of John Ammehe.

By Mr. PACKARD: In the case of George H. Reynolds.

By Mr. LOFLAND: In the case of Philip Henry.

By Mr. DUNNELL: In the case of Andrew Hosmer and James E. Drew.

By Mr. DONNAN: In the case of General B. S. Roberts.

By Mr. COMINGO: In the case of Alexander Collins.

By Mr. SMITH, of Virginia: In the case of Emmert Urell.

By Mr. WELLS: In the case of Thomas Allen.

By Mr. WILLARD, of Michigan: In the case of Peter Schuyler.

By Mr. COBURN: In the case of Charles H. Lee.

By Mr. BECK: In the case of A. S. Bloom.

By Mr. SMITH, of Ohio: In the case of G. A. Hall.

By Mr. KELLOGG: In the case of Harriet S. Jaudon, John P. Crosby, New Orleans Gas Company, and Mechanics and Traders' Bank, New Orleans.

LEAVE TO PRINT.

Leave to print as a portion of the debates of the House remarks prepared upon various subjects was granted to Mr. DUNNELL, Mr. MARSHALL, Mr. SMALL, Mr. HAMILTON, Mr. SMITH of Virginia, Mr. NEGLEY, and Mr. POTTER. (See Appendix.)

RECEIPTS AND EXPENDITURES OF THE TREASURY.

Mr. GARFIELD. Mr. Speaker, there was referred to the Committee on Appropriations a few days ago a letter from the Secretary of the Treasury, transmitting, in compliance with the act of August 26, 1842, an account of the receipts and expenditures of the United States for the fiscal year ending June 30, 1872. I now report it back and ask that it be printed.

There being no objection, the order to print was made.

CONTINGENT FUND OF THE HOUSE.

Mr. GARFIELD. I also present the report of the expenditures of the contingent fund of the House of Representatives for the last year, which by some accident was omitted to be printed. I move that the order for printing be made.

There being no objection, it was ordered accordingly.

CLAIMS FOR INDIAN DEPREDATIONS.

The SPEAKER laid before the House communications from the Secretary of the Interior, transmitting claims of various persons for Indian depredations; which were referred to the Committee on Indian Affairs, and ordered to be printed.

OSAGE INDIANS.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting a petition of the Osage Indians, praying for an appropriation of $75,000 to be reimbursed from the proceeds of their lands in Kansas; which was referred to the Committee on Indian Affairs, and ordered to be printed.

ENROLLED BILLS SIGNED.

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

An act (H. R. No. 2179) to incorporate the Inland and Seaboard Coasting Company of the District of Columbia;

An act (H. R. No. 692) for the relief of William Chester;

An act (H. R. No. 3176) for the relief of william Green; and

Joint resolution (H. R. No. 102) for the relief of Lowell A. Chamberlain.

EXPENSES FOR WASHINGTON STREET IMPROVEMENTS, ETC.

The SPEAKER laid before the House a communication from the board of audit of the District of Columbia, transmitting, in compliance with the resolution of the House of December 22, 1874, a statement of the expenditures for improvements of streets and avenues in the cities of Washington and Georgetown and in the county of Washington; which was referred to the Committee on the District of Columbia, and ordered to be printed.

SURVEYS FOR INTERNAL IMPROVEMENTS.

The SPEAKER also laid before the House a communication from the Secretary of War, transmitting reports of examinations and surveys of Rock Castle and Big Sandy Rivers, Kentucky, and Nassau River, Florida; which was referred to the Committee on Commerce, and ordered to be printed.

EMPLOYÉS IN TREASURY DEPARTMENT.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, transmitting, in compliance with section 194 of the Revised Statutes, the names of clerks and other persons employed in his Department during the year ending December 31, 1874; which was referred to the Committee on Appropriations.

SOLDIERS' NATIONAL HOME.

The SPEAKER also laid before the House the annual report of the board of managers of the National Home for Disabled Volunteer Soldiers for the year ending November 30, 1874; which was referred to the Committee on Military Affairs, and ordered to be printed.

PORTRAITS UPON CURRENCY AND STAMPS.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, in answer to the House resolution of February 6, 1875, in relation to the portraits of living originals printed upon United States currency or stamps; which was referred to the Committee on Appropriations, and ordered to be printed.

WEST POINT VISITING COMMITTEE.

The SPEAKER announced the appointment of Mr. BUTLER of Massachusetts, Mr. HURLBUT, and Mr. CREAMER as the visiting committee on the part of the House of Representatives to the West Point Military Academy.

HEIRS OF ASBURY DICKINS.

A message from the Senate, by Mr. GORHAM, their Secretary, announced that the Senate had passed a bill of the following title, with an amendment; in which the concurrence of the House was requested.

An act (H. R. No. 1580) for the relief of the heirs of Asbury Dickins.

Mr. HOLMAN. I ask that the amendment to this bill may be read.

The amendment was read, as follows:

In lines 4 and 5 strike out $3,976.19 and insert $3,385.15.

Mr. HOLMAN. I move concurrence in the amendment of the Senate.

The amendment was concurred in.

STATUARY HALL OF THE CAPITOL.

The SPEAKER laid before the House the following:

OFFICE OF PUBLIC BUILDINGS AND GROUNDS,
Washington, February 25, 1875.

SIR: By the Revised Statutes, section 1814, the Statuary Hall of the Capitol building is placed under charge of this office, and by section 1815 I see that the exhibition of all private property is excluded from this and other portions of the Capitol building. I have taken steps to-day to see that the law is complied with, so far as the Statuary Hall is concerned, and take this measure to notify your body of my action.

I am your very obedient servant,

O. E. BABCOCK,
United States Army, Corps of Engineers.

Hon. JAMES G. BLAINE,
Speaker of House of Representatives, Washington, D. C.

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

REPORTS OF COMMITTEES FILED WITH CLERK.

The following reports of committees were filed with the Clerk under the following resolution:

Resolved, That the committees of this House who have reports in readiness upon matters referred to them be permitted to deliver such reports to the Clerk of the House, and that they be printed; provided, such reports are filed with the Clerk before the expiration of this Congress.

By Mr. ALBRIGHT, from the Committee on Military Affairs, a favorable report in writing on the bill (H. R. No. 4017) for the relief of John S. Wood, late first lieutenant Company I, Seventh Pennsylvania Cavalry.

By Mr. BANNING, from the Committee on Foreign Affairs, an adverse report on the claim of J. J. Browne, of Columbia, South Carolina, for damages on account of destruction of his property by United States troops in burning the city of Columbia, South Carolina.

Also, from the same committee, an adverse report on the bill (H. R. No. 4127) for the relief of Charles O. Shepard, late chargé d'affaires *ad interim* of the United States in Japan.

By Mr. BARBER, from the Committee on War Claims, a bill (H. R. No. 4870) for the relief of John J. Anderson, with a favorable report in writing.

Also, from the same committee, a favorable report on the claim of Butler, Miller & Co. and Hawk, Miller & Co., for compensation for cotton taken by order of General Rousseau, August 30, 1862, for fortifying breastworks at Nashville, Tennessee.

Also, from the same committee, a bill (H. R. No. 4871) for the relief of James Lindsay, with report recommending compensation for the manufacture of a battery of three light mounted howitzers.

Also, from the same committee, adverse reports in the following cases:

The petition of Turner Merritt;

The claim of Priscilla and Armstead Burwell;

The claim of Rosanna Hogan, for payment for a horse;

The petition of James F. Blount, for compensation as acting mustering officer for home guards, State of Kentucky;

The petition of Thomas Weeks, for payment for services rendered in 1845 and 1846 in California at the beginning of the Mexican war;

A bill (H. R. No. 3066) for the benefit of Lucinda McGuire; and

The claim of Elizabeth Gillock, for use and occupation of certain houses at Franklin, Texas.

By Mr. BURCHARD, from the Committee on Ways and Means, a bill (H. R. No. 4872) for the relief of J. E. Robertson & Co., of Indianapolis, Indiana, with a favorable report in writing.

By Mr. BUTLER, of Massachusetts, from the Committee on the Judiciary, a bill (H. R. No. 4891) for the relief of Thomas J. Durant.

By Mr. CLEMENTS, from the Committee on Patents, a bill (H. R. No. 4873) to authorize Jonathan L. Jones to bring suit against the United States in the Court of Claims for his compound defensive armor for land and water batteries, with a favorable report in writing.

Also, from the same committee, a favorable report on bill (H. R. No. 2460) to authorize the extension of the patent of Thomas Mitchell for an improved machine for finishing hair-brush handles, granted to him by the United States the 28th day of June, 1859, reissued the 17th day of January, 1860, and again reissued the 26th day of June, 1860, and which expired on the 28th day of June, 1873.

By Mr. COBB, of North Carolina, from the Committee on War Claims, a bill (H. R. No. 4887) for the relief of James G. Williams, of Memphis, Tennessee, with a favorable report in writing.

By Mr. COMINGO, from the Committee on Indian Affairs, a bill (H. R. No. 4874) to provide for the consolidation of certain bands or tribes of Indians in Washington Territory for the sale of certain Indian reservations in said Territory, and for other purposes, with a favorable report in writing.

By Mr. DOBBINS, from the Committee on Patents, a favorable report on the bill (H. R. No. 1150) for the relief of Mrs. Mary A. McComb.

By Mr. DUNNELL, from the Committee on Claims, an adverse report on the bill (H. R. No. 1061) for the relief of George W. Bradley.

Also, from the same committee, a bill (H. R. No. 4875) for the relief of Silas N. Norton, with a favorable report in writing.

Also, a bill (H. R. No. 4876) for the relief of Jackson Lavenburg, with a favorable report in writing.

By Mr. EAMES, from the same committee, the bill (H. R. No. 667) for the relief of Nicholas Whitehall, with an amendment in the nature of a substitute, accompanied by a favorable report in writing.

Also, from the same committee, the bill (H. R. No. 1599) for the relief of Samuel A. Knox, with an amendment in the nature of a substitute, accompanied by a favorable report in writing.

By Mr. GUNCKEL, from the Committee on Military Affairs, a favorable report to accompany the bill (H. R. No. 4866) for the relief of N. H. McLean, late of the Adjutant-General's Department, United States Army.

By Mr. HAMILTON, from the Committee on Claims, a favorable report on the bill (S. No. 272) for the relief of Bishop & Co., bankers, of Honolulu, Hawaiian Islands.

Also, from the same committee, a favorable report in writing on the bill (S. No. 629) for the relief of Osceola C. Green, administrator *de bonis non* and one of the heirs at law of Lieutenant-Colonel Uriah Forest.

Also, from the same committee, a favorable report on the bill (H. R. No. 2663) for the relief of John T. K. Hayward, Amos Stillwell, and Goodwin O. Bishop, of Hannibal, Missouri, for transporting United States mails.

Also, from the same committee, a favorable report on the bill (H. R. No. 4250) for the relief of E. G. Allen, of Marion County, Ohio.

Also, from the same committee, a bill (H. R. No. 4877) for the relief of Eliza Howard Powers, with a favorable report in writing.

Also, from the same committee, a bill (H. R. No. 4878) for the relief of Dixon Shinault, John W. Watson, and Lewis Goodwin, with a favorable report in writing.

Also, from the same committee, an adverse report in the case of Harvey and others.

By Mr. HAWLEY, of Illinois, from the Committee on Claims, a favorable report on the bill (S. No. 792) for the relief of John Fletcher.

By Mr. HOLMAN, from the Committee on War Claims, a favorable report on the bill (H. R. No. 2001) for the relief of the Bartholomew County Agricultural Society of the State of Indiana, with an amendment in the nature of a substitute.

Also, from the same committee, a favorable report on the bill (H. R. No. 3046) for the relief of Sterling A. Martin, late private in Company I, Thirty-seventh Regiment Indiana Volunteers.

Also, from the same committee, an adverse report on the petition of N. J. Bigley.

By Mr. HOWE, from the Committee on Claims, a bill (H. R. No. 4880) for the relief of Hall Colby, with a favorable report in writing.

By Mr. HUBBELL, from the Committee on Banking and Currency, an adverse report on the bill (H. R. No. 4357) to amend an act to construe the act of March 2, 1853, to allow all depositaries designated under the act of August 6, 1846, &c.

By Mr. KELLOGG, from the Committee on War Claims, a favorable report in writing to accompany the bill (H. R. No. 1662) for the relief of William Phillips.

Also, from the same committee, a bill (H. R. No. 4888) for the relief of Mrs. Eliza Potter, with a favorable report in writing.

Also, from the same committee, a favorable report on the bill (H. R. No. 2319) for the relief of Isaac Taylor, of Boston, Massachusetts.

Also, from the same committee, a favorable report on the bill (H. R. No. 1505) authorizing the Secretary of War to ascertain and report the amount necessarily expended by the Territory of New Mexico in organizing, equipping, and maintaining the militia forces during the rebellion, with an amendment in the nature of a substitute.

By Mr. LANSING, from the Committee on Claims, a bill (H. R. No. 4881) for the relief of Silas Reed, with favorable report in writing.

Also, from the same committee, a favorable report on bill (H. R. No. 2804) for the relief of Gustavus A. Scroggs, late provost marshal of the thirtieth district of New York.

Also, from the same committee, a favorable report on the bill (H. R. No. 2736) for the relief of John W. Hickey, of the State of Louisiana.

By Mr. LAMISON, from the Committee on Naval Affairs, a bill (H. R. No. 4867) appropriating $15,000 to Mrs. Martha J. Caston, for all claims and demands by her upon the Government, for the manufacture by her and use by it of the "Caston signal-lights," with a favorable report in writing.

By Mr. LAWRENCE, of Ohio, from the Committee on War Claims, a bill (H. R. No. 4569) to prevent abuses in the prosecution of claims against the Government, with report in writing covering the papers in the case of Sugg Fort, of Robertson County, Tennessee.

Also, from the same committee, adverse reports in the following cases:

The petition of Jacob Bloomstein, asking compensation for goods seized and damages for imprisonment by military authorities at Nashville, Tennessee; and

A bill (H. R. No. 4551) for the benefit of W. R. Boice, of Danville, Kentucky.

By Mr. LOWE, from the Committee on Indian Affairs, a bill (H. R. No. 4882) to appropriate money to the Pottawatomie Indians in pursuance of the tenth article of the treaty of August 7, 1868, with a favorable report in writing.

By Mr. MAYNARD, from the Committee on Banking and Currency, an adverse report covering the bill (H. R. No. 3834) to substitute United States notes for issues of national-bank associations; and the bill (H. R. No. 4377) to provide for the retirement of national-bank notes and the substitution in lieu thereof of Treasury notes, and for the reduction of the interest on the public debt.

By Mr. MORRISON, from the Committee on War Claims, an adverse report on the bill (H. R. No. 1731) for the relief of Cherrie M. Levy.

By Mr. RUSK, from the Committee on Invalid Pensions, favorable report in writing on the bill (H. R. No. 3548) granting a pension to Mary E. Meline, widow of Major James F. Meline, deceased.

Also, from the same committee, a favorable report on the bill (H. R. No. 674) providing that all pensions since March 4, 1861, shall commence from date of death or discharge, and for other purposes.

Also, from the same committee, a bill (H. R. No. 4889) for the relief of Hannah M. Doley, with a favorable report in writing.

By Mr. SENER, from the Committee on Expenditures in the Department of Justice, on the expenses of the judiciary and the general subjects of inquiry committed to that committee under the rules of the House of Representatives and in response to the resolution of the House referring to it so much of the President's last annual message as relates to the Department of Justice.

By Mr SHOEMAKER, of Pennsylvania, from the Committee on Claims, a favorable report on the bill (H. R. No. 3961) for the relief of James Atkins, late collector of internal revenue and disbursing agent of the United States for the fourth collection district of the State of Georgia.

By Mr. SMITH, of Pennsylvania, from the Committee on War Claims, an adverse report on the petition of the corporation of the Roman Catholic clergymen of Maryland, for compensation for the use and occupation of the property of said corporation situated in Charles County, Maryland, known as "Saint Thomas's Manor," by United States forces during the late war.

By Mr. SMITH, of Virginia, from the Committee on Railways and Canals, a bill (H. R. No. 4883) to aid the Washington and Ohio Railroad Company in the construction of their road to the Ohio River, with a favorable report in writing.

By Mr. TREMAIN, from the Committee on the Judiciary, to which was referred the bill (H. R. No. 4030) providing that the second section of the act conferring jurisdiction upon the criminal court of the District of Columbia, and for other purposes, approved June 22, 1874, a report in writing on the law of libel in the District of Columbia.

By Mr. VANCE, from the Committee on Claims, a favorable report on the bill (H. R. No. 1258) for the relief of Jackson T. Sorrels, mail contractor on the route from Asheville, North Carolina, to Franklin, North Carolina, in 1865, with an amendment.

Also, from the same committee, a favorable report in writing on the bill (H. R. No. 1397) for the relief of I. M. Roane, of Macon County, North Carolina, for supplies furnished the Indian service in California between 1856 and 1860.

Also, from the Committee on Revolutionary Pensions and War of 1812, a bill (H. R. No. 4884) to place the name of Mrs. Mary McMillen on the pension-roll, war of 1812, with a favorable report in writing.

Also, from the same committee, a bill (H. R. No. 4885) to place the name of Samuel Hoyt, a soldier of 1812, on the pension-roll, with a favorable report in writing.

By Mr. WARD, of Illinois, an adverse report on the memorial of the San Francisco Land Association of Philadelphia, for special relief for the expenditure and loss of its capital stock in defending its title to certain real estate in San Francisco, California.

By Mr. WILSON, of Iowa, a bill (H. R. No. 4886) for the relief of Margaret Janet Burleson, with a favorable report in writing.

Also, from the Committee on War Claims, a bill (H. R. No. 4890) for the relief of William D. Stryker, with a favorable report in writing.

ENROLLED BILLS SIGNED.

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

A bill (S. No. 1331) to remove the political disabilities of Robert W. Johnson, formerly of Arkansas;

A bill (S. No. 535) for the relief of the owners of the Haytian brig Margaretta or their legal representatives;

An act (H. R. No. 3611) for the relief of Nelson Green;

An act (H. R. No. 4769) granting a pension to Abranna L. Dunn;

An act (H. R. No. 4771) granting a pension to Charles A. Draher;

An act (H. R. No. 4728) for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876, and for other purposes;

An act (H. R. No. 3107) to place the name of John Hudson on the pension-roll;

An act (H. R. No. 3705) granting a pension to Arthur M. Lee, first lieutenant Eighteenth Illinois Infantry;

An act (H. R. No. 4757) granting a pension to Freemorton Young;

An act (H. R. No. 4765) granting a pension to Emillia O. Black;

An act (H. R. No. 4772) granting a pension to Richard G. Mobley;

An act (H. R. No. 2419) to provide for the construction of military roads in Arizona;

An act (H. R. No. 4447) to amend the act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869;

An act (H. R. No. 3918) to relieve P. U. Murphy and John A. Brown, of Alabama, of political disabilities;

A bill (H. R. No. 1054) granting a pension to Jefferson W. Davis, first lieutenant of Company F, Sixty-fourth New York Volunteers;

An act (H. R. No. 4786) granting a pension to Mrs. Sarah B. Howe and Mrs. Mary Cranston;

An act (H. R. No. 4675) to relieve Isaac N. Brown of his political disabilities;

An act (H. R. No. 4753) removing the political disabilities of O. R. Singleton, of Mississippi;

An act (H. R. No. 4562) removing the political disabilities of Beverly Kennon, of Virginia;

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

An act (H. R. No. 2502) for the relief of settlers on lands within railroad limits;

An act (H. R. No. 4793) granting a pension to Mercy E. Scattergood;

An act (H. R. No. 2763) granting a pension to Mrs. Sophia Green;

An act (H. R. No. 3712) granting a pension to Stillman C. Spaulding;

A bill (H. R. No. 1331) for the relief of Joab Spencer and James R. Mead, for supplies furnished the Kansas tribe of Indians;

An act (H. R. No. 4321) removing the political disabilities of John Withers, Joseph F. Minter, and William Kearney;

An act (H. R. No. 3727) granting a pension to John M. Allen;

An act (H. R. No. 4331) granting a pension to Sarah Ann Crosby;

An act (H. R. No. 4466) permitting Lieutenant-Commander Frederick Pearson, of the Navy, to accept a decoration from the Queen of Great Britain;

An act (H. R. No. 4685) authorizing the Secretary of the Treasury to use his discretion in the selection of material for the construction of the public building at Atlanta, Georgia;

An act (H. R. No. 4850) authorizing the appointment of gaugers for the customs service at the port of Philadelphia;

An act (H. R. No. 4857) extending the privilege of the Library of Congress to the Regents of the Smithsonian Institution;

An act (H. R. No. 4861) granting a pension to Louis Heinley;

An act (H. R. No. 3511) to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes;

An act (H. R. No. 4445) to incorporate the trustees of the Louise Home, and for other purposes;

An act H. R. No. 4816) to authorize the consolidation of the Auburn City National Bank and the First National Bank of Auburn, New York;

An act (S. No. 55) to authorize the purchase of a site for a public building at Topeka, Kansas;

An act (S. No. 1297) to provide for the publication of the first volume of the Patent Office Gazette; and

An act (H. R. No. 1628) for the relief of Monterville Patton, of Buncombe County, North Carolina.

LIST OF UNANNOUNCED BILLS.

The following is a complete list of bills approved March 3, 1875, but unannounced for want of time:

An act (H. R. No. 3611) for the relief of Nelson Green.

Joint resolution (H. R. No. 102) for the relief of Lowell A. Chamberlain.

Joint resolution (H. R. No. 157) authorizing the acceptance by Captain C. H. Wells, of the United States Navy, of the cross of the Legion of Honor conferred upon him by the President of the French Republic.

Joint resolution (H. R. No. 162) explanatory of an act entitled "An act fixing the number of paymasters in the Army of the United States," approved March 2, 1875.

An act (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.

An act (H. R. No. 692) for the relief of William Chester.

An act (H. R. No. 965) granting a pension to Samuel Purcell.

An act (H. R. No. 1054) granting a pension to Jefferson W. Davis, first lieutenant Company F, Sixty-fourth Regiment New York Volunteers.

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

An act (H. R. No. 1593) relating to the punishment of the crime of manslaughter.

An act (H. R. No. 1606) granting an increase of pension to Stephen Weatherlow.

An act (H. R. No. 1628) for the relief of Montraville Patton, of Buncombe County, North Carolina.

An act (H. R. No. 1995) to transfer the county of Perry, in the State of Tennessee, from the western to the middle judicial district of the United States in said State.

An act (H. R. No. 2073) restricting the refunding of custom duties, and prescribing certain regulations of the Treasury Department.

An act (H. R. No. 2080) to provide for deducting any debt due the United States from any judgment recovered against the United States by such debtor.

An act (H. R. No. 2101) for the relief of the owners of the steamer Clara Dolson.

An act (H. R. No. 2179) to incorporate the Inland and Sea-board Coasting Company of the District of Columbia.

An act (H. R. No. 2419) to provide for the construction of military roads in Arizona.

An act (H. R. No. 2502) for the relief of settlers on lands within railroad limits.

An act (H. R. No. 2763) granting a pension to Mrs. Sophia Green.

An act (H. R. No. 2794) granting a pension to Elizabeth Wolf.

An act (H. R. No. 3021) granting pensions to the widows, children, dependent mothers and fathers, or orphan brothers and sisters, of those soldiers who were murdered by guerrillas at Centralia, Missouri, in 1864.

An act (H. R. No. 3362) for the relief of Mrs. Sarah B. Forest, widow of Lieutenant Dulaney A. Forest, late of the United States Navy.

An act (H. R. No. 3379) for the further security of navigation on the Mississippi River.

An act (H. R. No. 3504) to provide for deductions from the terms of sentence of United States prisoners.

An act (H. R. No. 3511) to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes.

An act (H. R. No. 3602) to remove the political disabilities of Thomas T. Fauntleroy.

An act (H. R. No. 3641) to amend an act entitled "An act to incorporate the Washington and Georgetown Railroad Company," approved May 17, 1872.

An act (H. R. No. 3683) granting a pension to Melissa Rankin.

An act (H. R. No. 3685) for the relief of George A. Schreiner.

An act (H. R. No. 3705) granting a pension to Arthur M. Lee.

An act (H. R. No. 3712) granting a pension to Stillman C. Spaulding.

An act (H. R. No. 3713) granting a pension to Sarah S. Cooper.

An act (H. R. No. 3718) granting a pension to Cornelia M. Arthur.

An act (H. R. No. 3720) granting a pension to Charles C. Haight.

An act (H. R. No. 3727) granting a pension to John M. Allen.

An act (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes.

An act (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes.

An act (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1876, and for other purposes.

An act (H. R. No. 3884) granting a pension to Mary C. Toy.

An act (H. R. No. 3891) relieving the political disabilities of Edward Booker, of Henry County, Virginia.

An act (H. R. No. 3918) to relieve P. M. Murphy and John A. Brown, of Alabama, of political disabilities.

An act (H. R. No. 3923) authorizing the Secretary of War to deliver certain condemned ordnance to the Joseph Warren Monument Association, of Boston, Massachusetts, for monumental purposes.

An act (H. R. No. 4321) removing the political disabilities of John Withers, Joseph F. Minter, and William Kearney.

An act (H. R. No. 4324) to authorize the change of the name of the Second National Bank of Jamestown, New York.

An act (H. R. No. 4329) granting a pension to William H. Small.

An act (H. R. No. 4331) granting a pension to Sarah Ann Crosby.

An act (H. R. No. 4445) to incorporate the trustees of the Louise Home, and for other purposes.

An act (H. R. No. 4447) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869.

An act (H. R. No. 4449) to amend an act entitled "An act to revive with amendments an act to incorporate the Medical Society of the District of Columbia," approved July 7, 1838.

An act (H. R. No. 4458) relating to a site for a public building at Jersey City, in the State of New Jersey.

An act (H. R. No. 4466) permitting Lieutenant-Commander Frederick Pearson, of the Navy, to accept a decoration from the Queen of Great Britain.

An act (H. R. No. 4502) for the relief of Mary L. Woolsey, widow of the late Commodore Melancthon B. Woolsey, of the Navy.

An act (H. R. No. 4528) amendatory of the act approved March 3, 1873, entitled "An act authorizing the construction of a bridge across the Mississippi River at Saint Louis, in the State of Missouri."

An act (H. R. No. 4562) removing the political disabilities of Beverly Kennon, of Virginia.

An act (H. R. No. 4573) to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin.

An act (H. R. No. 4675) to relieve Isaac N. Brown of his political disabilities.

An act (H. R. No. 4685) authorizing the Secretary of the Treasury to use his discretion in the selection of material for the construction of a public building at Atlanta, Georgia.

An act (H. R. No. 4692) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871.

An act (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.

An act (H. R. No. 4744) to punish certain larcenies and the receivers of stolen goods.

An act (H. R. No. 4746) authorizing the Second National Bank of Watkins, New York, and the Slater National Bank of North Providence, Rhode Island, to change their names.

An act (H. R. No. 4747) supplementary to the acts in relation to immigration.

An act (H. R. No. 4753) removing the political disabilities of O. R. Singleton, of Mississippi.

An act (H. R. No. 4754) granting a pension to Betsey A. Eaton.

An act (H. R. No. 4755) granting a pension to William Lyon.

An act (H. R. No. 4757) granting a pension to Freemorton Young.

An act (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

An act (H. R. No. 4763) granting a pension to Lafayette Briggs.

An act (H. R. No. 4764) granting a pension to Sarah A. Woodworth.

An act (H. R. No. 4765) granting a pension to Emillia O. Black.

An act (H. R. No. 4767) for the relief of Ferdinand Monti.

An act (H. R. No. 4769) granting a pension to Abranna L. Dunn.

An act (H. R. No. 4771) granting a pension to Charles A. Draher.

An act (H. R. No. 4772) granting a pension to Richard G. Mobley.

An act (H. R. No. 4775) granting a pension to Margaret Patterson.

An act (H. R. No. 4776) granting a pension to Elizabeth Lanning.

An act (H. R. No. 4777) granting a pension to James A. Forgey.

An act (H. R. No. 4782) granting a pension to Ansel Thayer, of Braintree, Massachusetts.

An act (H. R. No. 4786) granting a pension to Mrs. Sarah B. Howe and Mrs. Mary Cranston.

An act (H. R. No. 4790) granting a pension to David Salisbury.

An act (H. R. No. 4793) granting a pension to Mrs. Mercy E. Scattergood.

An act (H. R. No. 4801) granting a pension to Micajah Stout.

An act (H. R. No. 4814) to relieve Charles H. Smith, M. D., of Richmond, Virginia, and James M. Hawes, of Covington, Kentucky, of all political disabilities.

An act (H. R. No. 4833) to authorize the Secretary of the Treasury to adjust and remit certain taxes and penalties claimed to be due from mining and other corporations, and for other purposes.

An act (H. R. No. 4839) for the relief of Lydia Cruger, executrix of Moses Sheppard, deceased.

An act (H. R. No. 4800) granting a pension to John H. Looby.

An act (H. R. No. 4816) to authorize the consolidation of the Auburn City National Bank and the First National Bank of Auburn, New York.

An act (H. R. No. 4851) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1875, and prior years, and for other purposes.

An act (H. R. No. 4858) to authorize the Commissioner of Patents to sign the certificate of extension of letters-patent No. 28470, granted to Frederick T. Grant May 29, 1860, upon a silver-machine.

An act (H. R. No. 4866) for the relief of Major N. H. McLean, late of Adjutant-General's Department, United States Army.

COMMUNICATION FROM THE PRESIDENT.

Mr. DAWES. Mr. Speaker, the joint committee of the two Houses charged with the duty of informing the President that the two Houses were in readiness to adjourn, and inquiring whether he had any further communication to make to their respective branches, have attended to that duty and have been requested by him to report that he has no further communication to make.

VALEDICTORY ADDRESS OF THE SPEAKER.

The SPEAKER. GENTLEMEN: I close with this hour a six years' service as Speaker of the House of Representatives—a period surpassed in length by but two of my predecessors, and equaled by only two others. The rapid mutations of personal and political fortune in this country have limited the great majority of those who have occupied this chair to shorter terms of office.

It would be the gravest insensibility to the honors and responsibilities of life not to be deeply touched by so signal a mark of public esteem as that which I have thrice received at the hands of my political associates. I desire in this last moment to renew to them, one and all, my thanks and my gratitude.

To those from whom I differ in my party relations—the minority of this House—I tender my acknowledgments for the generous courtesy with which they have treated me. By one of those sudden and decisive changes which distinguish popular institutions, and which conspicuously mark a free people, that minority is transformed in the ensuing Congress to the governing power of the House. However it might possibly have been under other circumstances, that event necessarily renders these words my farewell to the Chair.

The Speakership of the American House of Representatives is a post of honor, of dignity, of power, of responsibility. Its duties are at once complex and continuous: they are both onerous and delicate: they are performed in the broad light of day, under the eye of the whole people, subject at all times to the closest observation, and always attended with the sharpest criticism. I think no other official is held to such instant and such rigid accountability. Parliamentary rulings in their very nature are peremptory: almost absolute in authority and instantaneous in effect. They cannot always be enforced in such a way as to win applause or secure popularity; but I am sure that no man of any party who is worthy to fill this chair will ever see a dividing line between duty and policy.

Thanking you once more, and thanking you most cordially, for the honorable testimonial you have placed on record to my credit, I perform my only remaining duty in declaring that the Forty-third Congress has reached its constitutional limit, and that the House of Representatives stands adjourned without day. [Earnest and prolonged applause in all parts of the Hall.]