

ernment property by the wrecking of the steamer San Francisco in December, 1853, to the Committee on the Judiciary.

By Mr. ROSS, of New Jersey: The petition of Grange No. 1, Patrons of Husbandry of New Brunswick, New Jersey, for an amendment of the postal laws relating to third-class mail matter, to the Committee on the Post-Office and Post-Roads.

By Mr. TERRY: A paper relating to a post-route from New Castle to the forks of John's Creek, in Craig County, Virginia, to the same committee.

By Mr. WARREN: The petition of Mary Sullivan, for a pension, to the Committee on Invalid Pensions.

By Mr. A. S. WILLIAMS: Twelve petitions of citizens of Detroit, Michigan, for authority to construct a bridge across Detroit River, to the Committee on Commerce.

By Mr. WILLIS: The petition of A. Sheldon & Co. and 500 other merchants and business men of Detroit, Michigan, for the repeal of the bankrupt law, to the Committee on the Judiciary.

By Mr. WOODWORTH: The petition of Jonah Woodward, that his name be restored to the pension-rolls, to the Committee on Invalid Pensions.

## IN SENATE.

MONDAY, February 7, 1876.

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

The Journal of the proceedings of Friday last was read and approved.

### EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, in response to a resolution of the Senate of January 26, 1876, requesting the Secretary of the Treasury to submit copies of any propositions by the Pacific railroads for the creation of a sinking fund for the redemption of the Government mortgages, together with a statement of the action of the Government thereon and the reasons therefor.

Mr. WEST. I desire to make a motion that the communication be printed and lie on the table; and I give notice to the Senate that at an early day I will call it up for reference and submit some remarks with regard to the pecuniary and other relations existing between the Pacific railroad companies and the Government of the United States.

The PRESIDENT *pro tempore*. The communication will lie on the table and be printed, if there be no objection.

Mr. SHERMAN. I have no objection to the course proposed by the Senator from Louisiana, but I wish to enter a motion to refer the communication to the Committee on Finance.

Mr. WEST. I also wish to give notice that I shall move the reference of the communication to the Committee on Railroads.

The PRESIDENT *pro tempore*. The Senator from Ohio gives notice that he will move to take the communication from the table for reference to the Committee on Finance.

Mr. WEST. I had already given notice of an intention to move the reference of the communication. Probably the Senator from Ohio did not hear me.

Mr. SHERMAN. I wish to enter a motion to refer. It will lie on the table for the present.

Mr. WEST. Let it lie on the table, and when it comes up the motions for reference can be considered.

The PRESIDENT *pro tempore*. The communication will lie on the table and be printed.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, stating that Major William P. Craighill, of the Corps of Engineers, will be detailed to make an examination of, and report upon, the present condition as respects safety and permanency of the Aqueduct bridge across the Potomac River at Georgetown, District of Columbia, under the resolution of the Senate of February 3; which was ordered to lie on the table and be printed.

### PETITIONS AND MEMORIALS.

Mr. McCREERY. I present the petition of Martinette Hardin McKee, who asks for an appropriation sufficient to transport the remains of her late husband from the Panama cemetery to that at the city of Frankfort, Kentucky. Alexander R. McKee was born at Lancaster, Kentucky, where he filled several positions of trust with fidelity. He was married at Jacksonville, Illinois, to the daughter of Martin D. Hardin, once a member of this body. There he became the warm personal and political friend of Abraham Lincoln, who appointed and re-appointed him consul to Panama, where he died in the discharge of his duty. On the face of the paper I find statements from the governor, secretary of state, and the auditor of Kentucky. Piety, in all ages, has sought to consecrate the last resting-place of the dead. Every country is willing to accord at least an honored grave to those who have fallen in its service; but it is from the shrine of domestic affection that the purest incense rises to the memory of the loved and the lost; and it is in deference to that sentiment that I offer the petition,

and commend it to the tender care of the proper committee—the Committee on Appropriations.

The PRESIDENT *pro tempore*. That reference will be made.

Mr. ALLISON presented a memorial and joint resolution of the Legislature of the State of Iowa, in reference to the improvement of the navigation of the Upper Mississippi River; which were referred to the Committee on Commerce, and ordered to be printed in the RECORD as follows:

Whereas the Mississippi River and its tributaries afford to the people who dwell in their valleys the most available means to escape the exacting and oppressive tariffs on the transportation of their products to the markets of the world; and whereas in order to make this great national highway answer the full measure of its usefulness in affording greater facilities and safer passage for vessels of larger tonnage, it is of the utmost importance that the work on the rapids of the Upper and Lower Mississippi should be speedily completed: Therefore,

*Be it resolved*, That our Senators in Congress be instructed and our Representatives be requested to advocate and vote for in Congress such measures as will most speedily and successfully secure this result.

*Resolved*, That the secretary of state be directed to forward copies of this preamble and resolution to the President of the Senate of the United States and to the Speaker of the House of Representatives, with a request that they may be laid before each House of Congress, and that copies be sent to each Senator and member of Congress from this State.

JOHN H. GEAR,  
Speaker of the House.  
J. G. NEWBOLD,  
President of the Senate.

SAMUEL J. KIRKWOOD.

Approved January 25, 1876.

The PRESIDENT *pro tempore* presented a memorial and joint resolution of the Legislature of the State of Iowa, instructing the Senators and Representatives in Congress from that State to vote for and advocate legislation in favor of the improvement of the rapids of the Upper Mississippi and the completion of the work; which were referred to the Committee on Commerce.

He also presented the petition of W. E. Robbins and 200 others of Sullivan and Tioga Counties, Pennsylvania, praying Congress to pass an act allowing the people to elect the President by a direct vote of the people; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Board of Trade of New York, demonstrating the inexpediency of attempting resumption before the requisite conditions are ripe for it; which was referred to the Committee on Finance.

Mr. INGALLS presented the petition of John S. Friend, praying remuneration for property taken from him by the Comanche Indians in Texas in 1867 and 1868; which was referred to the Committee on Claims.

He also presented a petition of Robert Manville, of Indiana, praying that he may be allowed a pension; which was referred to the Committee on Pensions.

Mr. WINDOM presented a joint resolution of the Legislature of the State of Minnesota in favor of the establishment of a mail-route from Freeborn, in Freeborn County, by way of the village of Alden and the town of Mansfield, in that county, to Lake Mills, in Winnebago County, Iowa, with semi-weekly service thereon; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a joint resolution of the Legislature of the State of Minnesota, in favor of the establishment of a mail-route from Dover Centre, Olmstead County, to Chatfield, Fillmore County, Minnesota, with daily mail service thereon; and also for an increase of service to tri-weekly on route from Preston to Greenleaf, in Fillmore County; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WEST presented a joint resolution of the Legislature of the State of Louisiana, in favor of an appropriation by Congress for the construction of levees on the Mississippi River in Louisiana, and for the General Government to assume control of all the levees in Louisiana; which was referred to the Select Committee on the Levees of the Mississippi River.

Mr. BOOTH presented a concurrent resolution of the Legislature of the State of California, in favor of a modification of the treaty with China; which was referred to the Committee on Foreign Relations.

He also presented a concurrent resolution of the Legislature of the State of California, in favor of the passage of an act granting pensions to the soldiers, sailors, and marines of the Mexican war of 1846, 1847, and 1848; which was referred to the Committee on Pensions.

Mr. SARGENT. I present the petition of leading merchants in San Francisco, the signatures of whom I recognize as being men eminent in their business, in which they pray for the passage of Senate bill No. 209, introduced by myself some time since, to amend and supplement to an act creating the court of commissioners of Alabama claims and for the disposition of certain moneys, approved June 23, 1874. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. CRAGIN presented a joint resolution of the Legislature of New Hampshire, in favor of the resumption of specie payments; which was referred to the Committee on Finance, and ordered to be printed.

Mr. SHERMAN presented the petition of citizens of Missouri, praying for the repeal of the two-cent stamp tax on bank-checks; which was referred to the Committee on Finance.

Mr. FRELINGHUYSEN presented the petition of Henry Lull, praying an extension of his patent for a shutter-hinge; which was referred to the Committee on Patents.

He also presented the petition of citizens of Vineland, New Jersey, praying for the repeal of the resumption act; which was referred to the Committee on Finance.

Mr. CONKLING presented a report and resolutions of the Chamber of Commerce of the State of New York, reviewing the history and creation of the Japanese indemnity fund, and recommending that, with its accumulations, after expenses being deducted, it be paid back to the government of Japan; which were referred to the Committee on Foreign Relations.

He also presented the petition of J. J. Waller and others, praying the repeal of the two-cent stamp tax on checks; which was referred to the Committee on Finance.

Mr. WALLACE presented a petition of citizens of Philadelphia, Pennsylvania, engaged in the business of local expressmen, praying for the refunding of an internal-revenue tax of 3 per cent. on their gross receipts, levied under section 103, acts of June 30, 1864, and July 13, 1866; which was referred to the Committee on Claims.

Mr. JOHNSTON presented the memorial of A. D. Reynolds, of Patrick County, Virginia, setting forth that the United States is indebted to him in the sum of \$6,292.62 for cotton seized by United States officials during the late war; which was referred to the Committee on Claims.

Mr. LOGAN presented the petition of citizens of Williamson County, Illinois, praying for the passage of a law granting a pension to Eliza Mandrel, of Attila, Williamson County, widow of George W. Mandrel, deceased, late private One Hundred and Tenth Illinois Volunteers; which was referred to the Committee on Pensions.

He also presented the petition of Carter Wilkey, of Hamilton County, Illinois, praying a pension for services rendered as a private in the war of 1812; which was referred to the Committee on Pensions.

Mr. HOWE presented a resolution of the Legislature of Wisconsin, in favor of the erection of a custom-house, post-office, and other public buildings at Green Bay, Wisconsin; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. PADDOCK presented the petition of several citizens of the counties of Otoe and Cass, in the State of Nebraska, praying the establishment of a mail-route from Unadilla, on the Nebraska Railway, to the South Bend Railroad, via Elmwood; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ENGLISH presented the petition of Clarke & Given, coal merchants, of Washington, District of Columbia, and accompanying papers, praying compensation for fuel furnished the city schools of the District during the winters of 1873 and 1874; which was referred to the Committee on the District of Columbia.

Mr. McMILLAN presented a joint resolution of the Legislature of the State of Minnesota, in favor of the establishment of a post-route and mail service thereon from Hastings, in Dakota County, Minnesota, to Cannon Falls, in Goodhue County, via Bellwood and Douglas; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition signed by a large number of merchants of Saint Paul and Minneapolis, praying for a modification of the provisions of sections 2990, 2991, and 2997 of the Revised Statutes of the United States relative to the entry and transportation of foreign goods to ports of final destination without appraisal at ports of first arrival, so that the privileges accorded to certain enumerated ports by virtue of section 2997 as aforesaid be extended to the port of Saint Paul, Minnesota; which was referred to the Committee on Commerce.

He also presented a memorial signed by a large number of citizens of Minnesota, remonstrating against the passage of a bill making provision for the erection of a ponton bridge across the Mississippi River by the Green Bay and Minnesota Railroad Company at Winona; which was referred to the Committee on Post-Offices and Post-Roads.

#### BRIDGE AT WINONA.

Mr. HOWE. I thought I heard the Senator from Minnesota offer a remonstrance to the bill providing for the construction of a bridge at Winona. There is a bill for that purpose, authorizing the Green Bay and Minnesota Railroad to construct a bridge. To settle the controversy, I now move that the committee be discharged from the further consideration of that bill and that the bill be indefinitely postponed.

The PRESIDENT *pro tempore*. The Chair will observe that the Senator who introduced the bill is not in his seat, the colleague [Mr. WINDOM] of the Senator from Minnesota who presented the remonstrance—

Mr. McMILLAN. I think the Senator from Wisconsin introduced the bill.

Mr. HOWE. I think I offered the bill myself, but I am not certain about it.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the Committee on Post-Offices and Post-Roads be discharged from the further consideration of the bill (S. No. 64) to authorize the construction of a ponton bridge across the Mississippi River from

some feasible point in Buffalo County, in the State of Wisconsin, to some feasible point in Winona County, in the State of Minnesota.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the bill be postponed indefinitely.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. HAMILTON, from the Committee on Pensions, to whom were referred five petitions of citizens of New York, late soldiers of New York regiments in the late war, praying the amendment of the pension laws so as to extend the time for making application for arrears of pensions to July 4, 1876, reported adversely thereon, and asked to be discharged from their further consideration; which was agreed to.

Mr. HAMILTON. I am also instructed by the Committee on Pensions, to whom was referred the petition of Charles G. Bennett, late sergeant Company D, Fiftieth New York Engineers, praying for an additional allowance of pension, to report it back adversely. The committee find from the papers that there is no claim pending before the Commissioner of Pensions, and therefore ask that the committee be discharged from the further consideration of the petition.

The report was agreed to.

Mr. HAMILTON, from the same committee, to whom was referred the bill (S. No. 223) granting a pension to Ira Foster, a private in the war of 1812, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 35) equalizing pensions of certain officers, reported it with an amendment.

Mr. MERRIMON. The Committee on the District of Columbia, to whom was referred the bill (S. No. 101) explanatory of the act passed June 20, 1874, have directed me to report it adversely, and instruct me to say that in respect to the points embraced in the bill the act is clear, and the proper construction has been placed upon it by the commissioners. The committee, therefore, deem it unwise to change the act, and they ask to be discharged from the further consideration of the bill.

The bill was postponed indefinitely.

Mr. MERRIMON, from the Committee on the District of Columbia, to whom was referred the petition of Clarke & Given, coal merchants in the city of Washington, praying compensation for fuel furnished the schools of the District during the winters of 1873 and 1874, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the bill (S. No. 153) to grant the right of way for railroad purposes through the United States arsenal grounds near Benicia, California, reported it with an amendment.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the petition of Nathan Kunkle praying for the removal of the charge of desertion against him and for back pay and bounty, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Simon Wagenhauser, late private Company D, Fifty-ninth Regiment New York State Volunteers, praying to be allowed a bounty, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the petition of James V. Boughnar, of West Virginia, praying the confirmation of title to certain lands and the issue of a patent therefor, asked to be discharged from its further consideration and that it be referred to the Committee on Public Lands; which was agreed to.

He also, from the same committee, to whom was referred a resolution of the Legislature of West Virginia in favor of an appropriation of \$200,000 for the reconstruction and repair of the turnpike road leading from Fairmount, Marion County, to Ganley Bridge, in Fayette County, in that State, taken possession of and used by the United States authorities during the late war, for the transportation of supplies thereon to the Army, reported adversely thereon and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred a resolution of the Legislature of West Virginia in favor of an appropriation for the erection of a monument near the junction of the Ohio and Kanawha Rivers, in commemoration of the battle of Point Pleasant, fought October 10, 1774, reported adversely thereon and asked to be discharged from its further consideration; which was agreed to.

#### JUDGMENTS OF ALABAMA CLAIMS COMMISSION.

Mr. CONKLING. The Committee on the Judiciary, to whom was referred the bill (H. R. No. 1053) providing for the payment of judgments rendered under section 11 of chapter 459 of the laws of the Forty-third Congress, direct me to report the same back favorably with two verbal amendments. I incline to think, although I do not feel called upon to make the request in regard to it, that if the Senate



would hear this bill read, it might be the pleasure of the Senate to consider it now. I will add to that remark one other, by leave of the Chair. The Senate will remember that under the act of Congress as it stood on the 22d of January, now passed, an end would have come to the existence and proceedings of the Alabama claims commission. Upon the arrival of that date, those in whose favor awards had been made, or judgments, as I will call them for convenience, would have had them certified to the State Department, and the Department would have taken action which would have enabled them to receive the money. When we assembled at this session it turned out that there remained for that commission labors which could not well be concluded by the 22d of January, and therefore upon the report of the Judiciary Committee a bill was passed prolonging the duration of the commission, making no change whatever, leaving everything in *statu quo*. The effect of that legislation was to defer until the 22d of July next that proceeding which otherwise would have occurred on the 22d of January.

The whole purpose of this bill is to provide that, notwithstanding that postponement, the claimants whose claims have been adjudicated may receive them as they would have done had this prolongation of the commission not occurred. That, I believe, is the whole scope of the bill; and unless there be some objection to it, I suggest that it be considered now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

It is a direction to the court of commissioners of Alabama claims, as soon after the 22d of January, 1876, as may be practicable, to report to the Secretary of State the several judgments which, before or on that day, shall be rendered by the court pursuant to section 11 of chapter 459 of the laws of the Forty-third Congress; and also after the 22d of July, 1876, in like manner, report to the Secretary of State the several judgments it shall render from the 22d of January to and including the 22d day of July.

When a report shall be made, the Secretary of State is to transmit the same, or a copy thereof, to the Secretary of the Treasury, who is without unnecessary delay to proceed, pursuant to the chapter cited, to pay the judgments specified therein, with interest on the principal at the rate of 4 per cent. per annum from the date of loss, as certified, until the Secretary of the Treasury shall give notice for payment.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment of the committee was in section 1 line 7, to strike out the word "be" and insert the words "have been;" so as to read:

The several judgments which, before or on that day, shall have been rendered by the said court, &c.

Mr. CONKLING. That is merely because the day is past already. The amendment was agreed to.

Mr. CONKLING. There is no other amendment except the title. The bill was reported to the Senate as amended.

Mr. SARGENT. Has the bill passed the stage for amendment?

The PRESIDENT *pro tempore*. It has not. The bill is now in the Senate, and the question is on concurring in the amendment made as in Committee of the Whole.

Mr. SARGENT. I would like to make a suggestion to the committee, whether the interest of 4 per cent. ought not to be 6 per cent. That was the amount which was allowed by the Geneva tribunal, and the only object, I understand, in making the rate 4 per cent. in our original act was that there probably was not enough money to go around, or there was a fear there might not be. Consequently the original legislation provided that the judgments should be paid *pro rata* in case there was not sufficient to pay them all. It now seems, after these claims have passed into judgment, that one-half the fund at least, or a very large proportion of it, will be left unabsorbed and open to the claims of other claimants. It seems to me only justice that the low rate of 6 per cent. should be allowed. I do not know whether this matter was considered by the committee or not; but I desire to submit a motion to strike out "4" and insert "6" per cent. I make that motion.

Mr. CONKLING. Before the Senator submits his motion, I beg him to hear me a moment. I have no doubt he favors the object of the bill, and therefore I venture to suggest to him that he is interposing a matter foreign here, which can be considered otherwise, and which will lead to difficulties as well as to delay. The 4 per cent., of which the Senator from California speaks, was designed originally not only to cover such a difficulty as he has suggested, but also to pay the expenses, or contribute to the expenses of this tribunal. It so stands in the law. It was deemed by the two Houses of Congress adequate at the time. The whole purpose of this bill is to correct the postponement of the realization of the claims which occurred from the act to which reference has been made; and the Senator from California will see that if he introduces the amendment he now proposes, he opens a pretty large question, which extends to the whole of this fund, which revives the original considerations that were disposed of by Congress, and which will not only defer, but I suggest to him very likely defeat either the ultimate passage of this bill, or more especially its passage at the particular time when it will be most valuable. And as bearing upon the last suggestion, let me state to the

Senator from California and to the Senate this fact: These claimants expected, had a right to expect, that on the 22d of January they would realize this money; they had a right to rely upon it as a certainty; they did; they made their calculations accordingly. Unexpectedly to them, and suddenly, the postponement which I have twice stated occurred. Their wish is simply to be permitted to avail themselves of this act. They do not ask, as I understand, by petition or otherwise, anything on the interest question; they want to be put back where they were but for this postponement.

In that view I suggest to my friend, that as other bills touching this fund will almost certainly be before the Senate, presently, he will have an opportunity, on an occasion which would put at less peril rights and merits of claimants, to present his question; and therefore in the interest of the bill, (and I know he shares in my interest in that regard,) I suggest to him not to offer this amendment now, but to let this House bill go, and consider that hereafter.

Mr. SARGENT. I am not half convinced by the Senator's statement. I see no reason why 6 per cent. interest should not be allowed and why it should be contested upon the principle that we restricted it to 4 per cent. I know many of these claimants of small claims desire interest to be paid. I know it by applications made by many to myself. Some other bill may come up relating to some other matter, for example, the question relating to the insurance companies absorbing this fund, and to suggest that we go back and consider the interest question then would be met by the argument that it was foreign on such a bill as that. Here is a proposition to pay them and to settle up with them entirely; and why not pay them 6 per cent. instead of 4 per cent? As I say, there are a number of small claims where the expenses which we have required these parties to be at in taking and printing testimony under the rules of the court are equal to and, in some cases called to my attention, exceed the amount which they can get from this tribunal, and I think we ought to allow to these parties the reasonable expense of taking and printing their testimony; I do not say their counsel fees or anything of the kind.

I do not wish to take up the time of the Senate by discussing the proposition. I would like, however, to have a vote upon my amendment that this interest be increased to 6 per cent.

The PRESIDENT *pro tempore*. The question is on concurring in the Senate in the verbal amendment made in Committee of the Whole. The amendment was concurred in.

The PRESIDENT *pro tempore*. The question now is on the motion of the Senator from California, in section 3 line 6 to strike out "4" and insert "6;" so as to read:

With interest on the principal at the rate of 6 per cent. per annum.

Mr. EDMUNDS. I do not think that ought to be done. One theory upon which the original bill was passed providing 4 per cent. was that this money being paid over to the United States would lie in the Treasury without any interest at all, in its normal condition; but in order to have it carry some interest and do good to these people we proposed to pay interest, as much as the United States could afford to pay as a depositor—rather more—because we only paid 3 per cent in old times upon mere deposits. Now, the 4 per cent. the United States pays out of the Treasury because we have not done with the fund yet and we do not know what will become of it. As it now stands, the 4 per cent. the United States pays is really the amount we are paying to this fund for the use of the money by the Treasury, which has been put into a bond; so that I submit to my friend from California the case does not stand on the principle that the money is worth 6 per cent.; it stands upon the principle, so far as that part of it is concerned, that 4 per cent. is as much percentage as the United States can afford to pay for a short loan of this kind, and it has been put into a bond accordingly. That is the point; and therefore I do not think we ought to disturb it, certainly until we see by and by where we are going to land about the whole business.

Mr. WRIGHT. Before the vote is taken I wish to say one thing upon the question itself and also with reference to the bill. At the time we passed the original bill, as the provisions within it show, it was contemplated that this money should be paid out after all the claims were adjudicated. Whether we held this money strictly in trust or whatever our relations to the fund, at all events it was regarded that we had so much money to be paid out to the persons who were entitled to it. Now, whether there would be enough to pay all or only to pay them *pro rata* we did not know; and hence the original bill provided that the entire amount due should be ascertained, and when ascertained and the commission had concluded their work then they should certify to the Secretary of State the amount, and the amount should be paid; and if the fund was not sufficient to pay all, the respective claimants should be paid *pro rata*.

By the original bill it was contemplated that the commission should close its work on the 22d of January. It seems it was not able to do that, and we extended the time to the 22d of July, in no manner however changing the provisions of the former statute with reference to paying to claimants *pro rata* if we had not sufficient to pay all. It may be as the law stands now that we shall have sufficient and more than sufficient to pay all claims that may be allowed. But there are claimants knocking at the door of Congress, whether as insurers or those who claim that they should be let into an allowance; and what will be our legislation between this and the 22d of July, no one can tell. If it shall occur that, under the law as it stands now and the



law as we shall change it, a larger amount shall be allowed; then the fund at our disposal, if we pass this bill now and provide that the claimants shall be paid who have been allowed, and a larger amount shall be allowed between this and the 22d day of July than we have of the fund remaining to pay, then they must either be paid *pro rata* or we must take from the Treasury of the United States sufficient to pay them in full, as we propose to pay those in full that have been allowed up to this time; and therefore I have been in favor and am in favor yet of leaving this matter until the 22d of July or until the work is concluded before we provide for the payment of any of them. In other words, the law as we originally passed it went upon the theory that the 4 per cent. allowed was sufficient to these persons for the delay occurring. We said that was the interest they ought to be paid. I do not believe in increasing that interest now if they are to be paid. We considered that matter carefully, and after due deliberation determined that 4 per cent. was what they should be paid. It was known then as well as it is now that these persons would be put to expense in obtaining the allowance of their claims; and to increase this to 6 per cent. now I think would be in the face of the statute and in the face of the deliberate action of the Senate when the law was passed.

But, to return, I say that 4 per cent. was what we agreed was a fair interest to be paid these persons for the delay incident upon the allowance of their claims. If they shall be delayed until next July, it will only be a delay of a few months, and I think it is better that this whole fund should be held until the commission conclude their work and we know what we have to pay in the aggregate, instead of paying it out by piece-meal and running the hazard, as we shall, that the allowances between now and the time when the fund shall be all disposed of will more than absorb or take it up, and we have to pay the balance out of the Treasury. I think the true theory is that these persons, if there is not sufficient to pay all, should be paid *pro rata*. At present, if we pass this bill and pay these persons we may be compelled to pay those who come in afterward *pro rata* or pay them from the Treasury instead of from the fund itself.

For these reasons I am opposed to this bill. I am opposed to the increase of interest because it is in the face of the deliberate action of Congress heretofore. I think 4 per cent. was the amount that we agreed upon as the fair interest, and I see no reason for changing it.

Mr. BOUTWELL. I should like to know from the committee whether there are not two elements in the question of interest; whether it is not true, probably, from the report of the proceedings at Geneva that the tribunal there gave at least 6 per cent. interest upon the losses from the time the losses were incurred until the award was made at Geneva.

Mr. EDMUNDS. I do not so understand it.

Mr. BOUTWELL. It has been some time since I examined the proceedings, but I certainly came to the conclusion that the tribunal at Geneva allowed interest. Whether they were governed by the rate of interest in England or in this country, it is clear that they must have allowed more than 4 per cent. Therefore, while I admit that from the time of the award at Geneva until the time when the claimants are paid 4 per cent. would be a reasonable sum, I think that if we can ascertain what rate of interest was allowed by the tribunal at Geneva, that rate ought to be allowed to claimants whose claims have been ratified by the commission from the time when the losses were incurred until the award was rendered at Geneva. Whether this is the proper time or not for such a provision, as the case now stands, I shall feel inclined to sustain the motion made by the Senator from California.

Mr. STEVENSON. I understand that the Geneva tribunal did allow 6 per cent. I understand that the 4 per cent. perhaps was allowed in the law because the Government had incurred some expense in regard to this matter; but whether this fund is amply sufficient to pay all the claims will depend upon the future action of the Senate as to what claims not yet adjudicated upon will be admitted for consideration. There are a great many litigated questions yet to come up.

I am opposed to this bill because I think we ought not to allow any judgments to be paid until the whole fund has been adjudicated on so far as the payments go, and those who are postponed will draw their 4 per cent. It is simply an innovation on the custom in the adjudication of claims by mixed boards or commissions to allow payment in parcels. The usual practice is always to let all the claims be adjudicated upon before paying any. Those claims that have already been adjudicated upon, and which will be paid on the 22d day of January, will draw their 4 per cent. Let that 4 per cent. go on, and let this board finish its adjudications, and let us see how the fund will be distributed, who will obtain indemnity and who will not; and so it seems to me to be the safer way to defer all payments until the full adjudication has been had.

If you allow this bill to pass, and a portion of these claimants obtain payment of their judgments, it may hereafter turn out that the whole Geneva fund will not be sufficient to pay claims which will be hereafter adjudicated upon; and if such should be the case, those who are entitled to valid claims will come upon the Government to make good their deficit. I hope the bill will not pass.

Mr. CONKLING. In reply to the Senator from Kentucky, I beg to suggest that every claim which can be paid under the proposed bill is a claim to which nobody has ever objected. In all the conjectures and alternatives which have occurred touching the disposition of this fund,

no man in Congress or not in Congress has ever argued that these claimants did not stand in the fore-front, because their losses occurred in such wise that within the most restricted limits the award pointed to them. So much as to the general objection of the Senator from Kentucky about paying. In any event their claims are to be undisputed.

The Senator from Massachusetts says, if this is a proper time or the proper time to consider the question of interest, then he will be inclined to favor the amendment. In reply to that, I beg the Senator's attention to this truth: Every provision in this act is the law now, every one, with all its limitations and all its opportunities to consider the question of interest; and the whole effect of this act is to make the 22d of January last, in lieu of the 22d of July next, the day as of which claimants may call for their money. If there will be after the passage of this act any difficulty in reviving the interest question, that difficulty exists now, not in this proposed bill, but in the statute tantamount in all regards to this, except, as I say, that this bill proposes to allow these people to enjoy their money in place of being deferred to a day which, although not long future, is far future to those who are in need, and who certainly relied upon being able to command this money when the 22d of January should come as much as they relied upon being able to draw their checks upon a bank balance if they had a balance in bank. To them it is a grievous matter and an important matter; and all the bill proposes to do, I repeat, is simply to name one day in lieu of another day, which has grown out of our own interposition, as the day on which they may realize their money.

Now the Senator from Massachusetts must see that no stumbling-block will be put in the way of reviving the question of interest by passing this bill. The Senator from California will see the same thing. They encounter now every objection they can encounter after this act is passed. If that be true, and if these Senators concede the justice of allowing these parties to reap the fruits of their adjudication, what is the occasion of interposing the question of interest here? Why not allow them to take their money; and, if they or anybody else choose hereafter to raise the question of the rate of interest, that question, I repeat, cannot be disparaged at all by the passage of this bill or aided at all by the defeat of the bill, should the lapse of the morning hour or anything else prevent its passage.

Mr. BOUTWELL. I am inclined to agree with the Senator from New York that it is more in the interest of the claimants to take what this bill allows and trust to some future occasion for the additional interest.

Mr. EDMUNDS. Lest there should be a general impression that the Geneva tribunal allowed 6 per cent. as some Senator has stated he understands it to have done, I wish to say that at the session when this principal act was passed, from the most careful examination I could make of the published records and from certain private information that I had, I had the best reason for believing that the tribunal did not allow 6 per cent. or anything like it, but a very much less rate. In point of real fact, I believe that, in the sense of computing interest, the tribunal did not allow any interest at all as such. They took into consideration the circumstance that there had been a long delay, but the general average of their opinions as to what the principal gross amount of the injury was, settled down to a sum which, making a reasonable allowance, without its being exactly computed, made up the sum total of the fifteen and a half millions. Therefore, Mr. President, I do not think we ought to proceed, now at any rate, upon the idea that the tribunal at Geneva allowed 6 per cent. or any other considerable sum as interest. Certainly whatever might have been attributable to the delay was much less than 6 per cent.

Mr. SARGENT. I am inclined, after this discussion, to agree with the Senator from Massachusetts, that perhaps it is better for these claimants that they have allowed this amount under this bill; but I wish to say that individually, at some favorable time hereafter, when legislation is pending which shall give the opportunity, I shall again present this question and contend that it is just that 6 per cent. be allowed to these claimants. I withdraw the amendment.

Mr. WRIGHT. I wish to say just one word. In reference to the matter of interest I believe it to be true that this board in allowing the claim of each claimant included the interest, so that at the time the judgment was rendered in favor of each one they allowed so much for the original claim with interest added.

Mr. CONKLING. That we can ascertain in future.

Mr. WRIGHT. I wish to say one thing more in reference to the merits of the bill. It is suggested by the Senator from New York that the claims proposed to be paid by this bill belong to a class as to which there has been no controversy, that all persons inside and outside everywhere agree that these persons ought to be paid. Now, Mr. President, if it shall occur by our legislation hereafter that another class of persons are to be paid, then, whether all persons shall agree to it or not, we shall have to pay them; and therefore it is a matter of entire unimportance whether all persons are agreed to this or not, or whether all persons shall be agreed to the claims that shall hereafter come in or not. When we say they shall they will, and we shall have to pay them.

My objection to this legislation is that it proposes to pay these persons in advance, when I think that according to the theory of this award, the theory of our legislation, and the principle on which it stands, they should be paid *pro rata* if we have not sufficient to pay them all; and we cannot tell whether we have enough to pay them all



until we get the entire award. I do not believe in doing it in piecemeal. I believe in ascertaining the entire amount, and it is better that we thus wait, even if there shall be wrong or injury in individual cases, than to interfere with this general rule and thereby increase the chances of being compelled to pay out of the Treasury of the United States a sum of money the amount of which no one can ascertain now.

Mr. FRELINGHUYSEN. I simply wish to say, Mr. President, that I hope this bill will pass. Both Houses of Congress have agreed that this class of claimants shall be paid in advance. That was the bill that passed both Houses.

Mr. INGALLS. Can the Senator inform us what amount of this class of claims has been awarded already by the commission?

Mr. CONKLING. A little more than \$2,000,000, I understand.

Mr. FRELINGHUYSEN. I think it is considerably more than that; but it leaves a very large surplus. Judgment has been rendered in favor of these claimants, and they certainly ought to be paid. It is only to correct the effect which our alteration of the law had upon their claims. They expected these claims to be paid. I do not think the bill ought to be amended as to the interest.

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.

The title was amended so as to read: "A bill providing for the payment of judgments rendered under section 11 of chapter 459 of the laws of the first session of the Forty-third Congress."

#### BILLS INTRODUCED.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 401) to incorporate The Citizens' Building Company of Washington; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. DAVIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 402) for the relief of the Methodist Episcopal church South at Charleston, Kanawha County, West Virginia; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 403) to re-imburse the State of West Virginia for the destruction of public property by the Union forces during the war; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 404) extending the jurisdiction of the district court for the western district of Arkansas; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 405) for the relief of William S. Morris, William S. Mann, Charles A. Oakman, George W. Hillman, the Union Transfer Company, and John R. Graham; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. JOHNSTON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 406) for the relief of Harden W. Reynolds; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. SPENCER (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 407) to authorize the restoration of George A. Armes to the rank of captain; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 408) for the relief of Assistant Surgeon Thomas F. Azpell, United States Army; which was read twice by its title, and together with accompanying papers, referred to the Committee on Military Affairs.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 409) to equalize promotions in the Army; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 410) for the relief of First Lieutenant George W. Wright, Seventh United States Infantry; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. OGLESBY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 411) for the relief of J. W. Parish & Company, of Illinois; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. GOLDTHWAITE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 412) to extend the time for presenting claims to the Court of Claims and to the southern claims commission; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. CAPERTON asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 8) restoring Albert W. Preston to his rank of colonel on the retired list of the United States Army; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

#### PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. FRELINGHUYSEN, it was

Ordered, That the petition and papers in the case of Harvey Lull be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. INGALLS, it was

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

On motion of Mr. McDONALD, it was

Ordered, That the petition and papers of Joseph Duncan be taken from the files of the Senate and referred to the Committee on Claims.

#### CENTENNIAL EXPOSITION.

Mr. MORRILL, of Maine. I give notice that to-morrow at one o'clock I will ask the Senate to proceed to the consideration of the centennial bill, so called, making an appropriation of \$1,500,000 for the centennial exposition. I hope that whatever they propose to do on that subject the Senate will do to-morrow.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had concurred in the amendment of the Senate to the joint resolution (H. R. No. 11) authorizing G. Harris Heap, United States consul at Tunis, to accept the trust of commissioner of the Bey of Tunis.

The message also announced that the House had passed the bill (S. No. 62) to authorize George P. Marsh to accept a certain present from the government of Switzerland and a certain present from the government of Italy.

The message further announced that the House had passed a bill (S. No. 53) fixing the time of holding the circuit court of the United States in the districts of California, Oregon, and Nevada, with an amendment; in which the concurrence of the Senate was requested.

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

A bill (H. R. No. 556) granting a pension to Alexander St. Bernard, of Saint Clair County, Michigan;

A bill (H. R. No. 231) for the relief of Robert Erwin;

A bill (H. R. No. 247) for the relief of James M. Coffinberry, of Cleveland Ohio;

A bill (H. R. No. 1347) granting a pension to Hattie D. McKain;

A bill (H. R. No. 31) granting a pension to Patrick Glackin;

A bill (H. R. No. 995) granting a pension to G. W. La Pointe;

A bill (H. R. No. 43) granting a pension to Elizabeth A. Neibling;

A bill (H. R. No. 83) for the relief of James A. Hile, of Lewis County, Missouri;

A bill (H. R. No. 1595) for the relief of John T. Burchell, of Knoxville, Tennessee, for services rendered the Government in a small-pox hospital;

A bill (H. R. No. 1596) granting a pension to Ruth Ellen Greeland;

A bill (H. R. No. 933) granting a pension to William D. Coughlin;

A bill (H. R. No. 1600) granting a pension to Jane A. Harris;

A bill (H. R. No. 1601) granting a pension to Otis B. Anderson;

A bill (H. R. No. 104) granting a pension to Edward C. Wheelock;

A bill (H. R. No. 1602) granting a pension to Margaret E. Cogburn;

A bill (H. R. No. 318) granting a pension to Annie Farley;

A bill (H. R. No. 1599) granting a pension to Frances C. Elliott;

A bill (H. R. No. 193) for the relief of Ezra B. Barnett, postmaster at Norwich, New York;

A bill (H. R. No. 215) granting a pension to John G. Parr, of Kittanning, Pennsylvania;

A bill (H. R. No. 1044) granting a pension to Margaret E. West;

A bill (H. R. No. 1598) granting a pension to William R. Duncan;

A bill (H. R. No. 1803) to provide for the appointment of commissioners to take affidavits, &c., for the courts of the United States;

A bill (H. R. No. 1802) making an appropriation to pay fourteen crippled and disabled Union soldiers from the 6th day of December, 1875, to the 30th day of June, 1876; and

A bill (H. R. No. 934) regulating the practice of United States circuit and district courts as to the time and manner of instructing juries and arguing the cause.

#### PUBLIC LANDS IN SOUTHERN STATES.

Mr. CLAYTON. I move that the Senate proceed to the consideration of the bill (S. No. 2) to repeal section 2303 of the Revised Statutes of the United States making restrictions in the disposition of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida.

Mr. EDMUNDS. The unfinished business will be up in two minutes. It is scarcely worth while to take up that bill now.

Mr. CLAYTON. I am inclined to think that I can get the consent of the Senator from Indiana [Mr. MORTON] to allow this bill to proceed after the morning hour. If I do not get it, of course that will end it.

Mr. EDMUNDS. We cannot do anything with the bill in two minutes.

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

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 2) to repeal section 2303 of the Revised Statutes of the United States making re-

strictions in the disposition of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, the pending question being on the amendment of Mr. SARGENT to the amendment of Mr. THURMAN.

Mr. THURMAN's amendment was to insert at the end of the section the following proviso:

*Provided*, That the repeal of said section shall not have the effect to impair the right, complete or inchoate, of any homestead settler; and no land occupied by such settler at the time this act shall take effect shall be subject to entry, pre-emption, or sale.

Mr. SARGENT's amendment was to add to the amendment of Mr. THURMAN the following:

*Provided*, That nothing herein contained shall be construed in any manner to revive the law commonly called the graduation act.

Mr. CLAYTON. I have no objection to either one of those amendments, but I suggest that the amendment to the amendment be withdrawn for the simple reason that the graduation law was repealed in 1862 and is not in force at all. If the Senator from California were here, I think he would withdraw that amendment. He became satisfied the other day that the act was not in force, and that the amendment was unnecessary. So far as the amendment of the Senator from Ohio is concerned, I take it that it is entirely useless because if we pass this bill it cannot interfere with any rights any person may have under the homestead law. It leaves the homestead law in force and cannot possibly interfere with it; but I shall not object to its being placed in the bill if Senators think it necessary.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment, proposed by the Senator from California.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Ohio.

The amendment was agreed to.

Mr. EDMUNDS. I move the following amendment, to come in at the end of the bill as a distinct clause:

*And provided*, That the public lands affected by this act shall not be open to private entry until the same shall be offered at public sale after the passage of this act.

Mr. CLAYTON. I hope this amendment will not be adopted for the simple reason that it will destroy almost the entire effect of this bill. The lands that this bill refers to have been offered lands. As I before stated, they have been in the market for upwards of fifty years; they have been offered at a dollar and a quarter an acre; they have been offered at twelve and a half cents an acre, nearly all of them; they are lands which are unfit for agriculture, as I before stated; and the object of this bill—I do not disguise it and have not—is that these offered lands which have failed to receive a purchaser for the last fifty years, which could not receive a purchaser at twelve and a half cents an acre, shall now be put in the market. All lands that have not been offered, of course will not be in the market. The provisions of the homestead law will apply to all these lands.

To illustrate the matter, suppose a homestead settler has located a farm of one hundred and sixty acres, say in a valley surrounded on every side by hills. He has picked out a little spot in that valley that is capable of agriculture. Now, suppose he wants to add eighty acres or one hundred and sixty acres to his little farm of timbered land which is unfit for agriculture. If this bill passes, he can go to the land-office and locate that land by paying a dollar and a quarter an acre for it, the same as a man under similar circumstances can in Missouri now and can in other States not affected by these restrictions. I think it is right that he should be allowed to do so. If a citizen in one of these States wants to establish a saw-mill upon Government land and desires to purchase it for that purpose, with this bill enacted into a law he can go to the land-office, and, if the lands have been offered for sale before, as most of them have, he can purchase a tract and establish a saw-mill upon it. The object of this bill is that those lands which are unfit for agriculture shall come into the market.

Mr. EDMUNDS. The ground upon which this bill was supported the other day chiefly was, that here was a variety of timbered land, the timber upon which was valuable, valuable enough to lead enterprising citizens to engage in the business of lumbering, to work the timber into lumber and then to sell it; and that this bill ought to pass so that they could do it.

The timber on those lands is at present the property of the United States, and I think the Treasury needs all the money that can be honestly got for them, and that the enterprising citizen who wishes to go into the lumber business on these lands ought to have the chance in preference to the other if he will give more than the other citizen will for a given section or quarter section, or whatever the subdivision is. It must be, if this timber is worth enough to encourage enterprise to go into the lumber business there, that it is worth more than a dollar and a quarter an acre. It is true, as the Senator has said, that the largest proportion of these lands probably, certainly great quantities of them, have already been offered at public sale, so that if we pass the bill as it is there will be no opportunity for competition at all by purchasers; and anybody who is quick enough and can form his combinations, or without any combinations, can go in and take up the lands at the minimum price of a dollar and a quarter an acre and exclude somebody who would be very glad to give \$10 an acre for some of the sections at any rate, or even twenty or thirty dollars, depending on location, nearness to water-courses, the character and

amount of the timber, and all those things which I need not name which enter into the question of the value of timber lands.

Now, my proposition is not to allow these lands to go at private entry until in the altered condition of the country, with free labor everywhere and increasing populations in those States, all the incentives to the increase of wealth growing out of the increase of the value of these lands should be weighed; and therefore that they shall again be offered at public sale, those that have not been, so that open bidders may compete with each other to buy these lands at the price that the person who is willing to give the most for them shall pay. I am surprised that the Senator from Arkansas objects to that. If I did not know him so well and those whose interests he is supporting so well, I should rather suppose that away back behind this bill somewhere was a scheme to get possession of these valuable lands, or those of them that are valuable, at a mere nominal price. I know that the Senator does not mean that; of course I have no idea that any person with whom he is in communication does mean it; but I know that it is our duty to protect the Treasury and get for these lands the largest price that we can get, and instead of saying that we will sell them at a horizontal price of a dollar and a quarter an acre we will now sell them, under the altered condition of the country, to the party that will give the most for them.

Mr. CLAYTON. Mr. President, the Senator from Vermont seems to think that if he did not know me so well as he does he would suspect that there might be away back of this somewhere a scheme. Well, with the shrewdness of that Senator, I should suppose he would be able to discover that scheme. I know it is a very common thing nowadays when gentlemen hailing from the portion of the country I come from and from some portions of the West bring measures here, for certain other gentlemen who possess all the virtue and honesty of the country to suspect when they cannot discover schemes in what they bring here. I am not surprised at all that some one has supposed that there might be away back here somewhere a scheme. Now, I think the best thing for them to do is to discover that scheme and point it out to the Senate before they make such suppositions. There is no scheme in this bill except to put these five States upon an equality with other States of this Union. If that is a scheme, then there is a scheme in it—to put the citizens of these five States upon an equality with the citizens of other States of this Union, nothing more.

So far as the Senator's amendment is concerned, it would apply with equal force to all the other States of this Union in which public lands are located that are now subject to private entry. Why not re-offer them for sale again, lands that are manifestly fertile and valuable, instead of picking out these barren lands to put through a long process of being offered in the market again? The objection I have to the amendment is that it will consume a great deal of time. It will consume money. It will require a large outlay of money to put these lands into the market again and go through the process of offering them for sale. My word for it, you will find if you undertake this thing that the Government will be out of money instead of the maker by it.

The condition of those lands is well known by Senators here. Men who have been in these States, who know the condition of these lands, have attested over and over again their condition. Gentlemen who are unfamiliar with them insist that they are of a different character from what the gentlemen who are familiar with them say they are. It is a well known fact that the Land Department has reported to the Senate that these lands are barren and unfit for agriculture. The Land Department has recommended this legislation. Every person who is familiar with the lands recommends it. Every Senator upon the floor from those States recommends it—every one, so far as I know. Last Friday this question was put aside for the purpose of allowing the Senator from Mississippi [Mr. BRUCE] to speak upon the subject. If I am correctly informed—and the Senator from Mississippi will correct me if I am not—he has carefully gone over this subject, and he is satisfied that the bill ought to pass. The idea was given out here at first that it might interfere with the rights of the colored man. That was the first objection brought forward in order to defeat this bill. Now we find that the gentleman who represents that particular constituency, after having had his attention called to it, after having carefully examined it, has withdrawn any objection he may have had, and he declares himself ready to vote for the bill. But now at the eleventh hour this question presented by the amendment of the Senator from Vermont is raised, which only can defeat it for a certain length of time by putting off the thing for two or three years longer. That is all it will amount to. You will go through the circumlocution of having plats of these lands sent out to the local land offices, having them advertised, having them put in the market by the auctioneer, and you will find that nobody will pay more than a dollar and a quarter an acre for them; and after all that is gone through with, then you will allow your citizen who is waiting all this time to come in and obtain the same rights which are accorded to other citizens of the United States.

I hope the amendment will not prevail.

Mr. EDMUNDS. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is called for; the morning hour has expired.

Mr. CLAYTON. I move to suspend temporarily the regular order.

Mr. EDMUNDS. You cannot make a motion of that kind.



Mr. MORTON. I ask the Senator from Arkansas how long he thinks this matter will take? Will it take more than a few minutes?

Mr. CLAYTON. I do not think it will. I have said about all I care to say.

Mr. MORTON. Let it go on informally a little while, but not long, subject to a call for the regular order.

Mr. EDMUNDS. I think we are all interested, as the Senator from Indiana said the other day, in disposing of this question of the highest privilege, which has been, as he stated, postponed too long. It will take just so much time to dispose of this question of privilege and it will be delayed by just the amount of time that this bill will occupy. There are a good many things to be said yet about this bill by some gentlemen who have not spoken at all, and there are other amendments to be offered. Therefore I think we ought to proceed to act on the unfinished business and determine it once for all in some way before we take up anything else.

Mr. CLAYTON. I hope not. I hope this bill will be continued. The Senator from Indiana makes no objection, I understand, and I hope we shall be allowed to go on with it.

Mr. EDMUNDS. It happens that there are two sides to the question that the Senator from Indiana has in charge. One side of it is an amendment offered by myself. If the Senator from Indiana were not ready with the Pinchback question, of course that would be one thing; but we know he is, and he has stated it to be important. Therefore I repeat what I said before, that I think we ought to dispose of the Pinchback question before we take up anything else, and have it determined one way or the other.

The PRESIDENT *pro tempore*. The unfinished business being before the Senate, the Senator from Arkansas moves that it be postponed for the purpose of continuing the bill which has been under discussion during the morning.

The question being put, a division was called for.

Mr. CLAYTON. I withdraw the motion.

The PRESIDENT *pro tempore*. The unfinished business is before the Senate.

#### PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had this day approved and signed the act (S. No. 204) to remove the political disabilities of George S. Hawkins, of Florida.

#### SENATOR FROM LOUISIANA.

The Senate resumed the consideration of the following resolution, offered by Mr. MORTON on the 5th of March, 1875:

*Resolved*, That P. B. S. Pinchback be admitted as a Senator from the State of Louisiana for the term of six years beginning the 4th day of March, 1873.

The pending question being on the amendment of Mr. EDMUNDS to insert the word "not" before the word "admitted."

Mr. MORTON. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. THURMAN. Mr. President, I know that it will be irksome to the Senate to listen to further discussion of the question before it; and, certainly, no task could be more disagreeable to me than that of repeating what I have more than once said upon it. But the chairman of the committee [Mr. MORTON] who reported the resolution under consideration, for the admission of Pinchback to a seat in this body—although at previous sessions he had frequently and fully discussed the subject—deemed it important, last Friday, to recall to the memories of Senators the grounds upon which he advocates the resolution; and if it was proper for him to do that, as no one I suppose will deny, it is equally proper, Senators, to refresh your memories by a reference to the arguments upon the other side. This I shall attempt to do, not by a full, much less an exhaustive, argument, but by a brief and condensed summary of the case. And I shall stick to the case. I shall not suffer any provocation to make me wander from it for a moment. I shall not, therefore, reply to the party appeals of the Senator from Indiana. I shall make no such appeals myself. And, certainly, I shall not leave the State of Louisiana to discuss the elections of the State of Georgia and attempt to season my remarks by a rehearsal of the reported sayings, whether well or ill-founded, of Mr. Robert Toombs. I am not accustomed to argue a legal question in that mode. I am not accustomed to make the right of any man depend upon the utterances of some other man, a stranger to the record and the case. The question before us is, in its nature, judicial, and should be judicially considered. It is a simple question of legal right; as much so as a question of legal right to land in an action of ejectment. There is no room for party or political considerations in its decision. If Pinchback has a legal right to the seat he claims, he ought to be seated, whatever may be the party or political effect of seating him. If, on the other hand, he has no such legal right, no party or political considerations can justify us in seating him. In other words, he is neither to gain or to lose a seat in the Senate by considerations that have no relevancy to the legality of his claim. If we allow such motives to influence our votes, we usurp the powers of a State Legislature and elect a Senator, instead of exercising our constitutional, judicial function of determining who has been elected, or whether there has been an election at all.

The first point made by the Senator from Indiana is, that Pinchback has a *prima facie* case because he holds a certificate of election signed by William Pitt Kellogg as governor of Louisiana, and that, there-

fore, he should be seated at once; and if any valid objection to his election exists, that is to be subsequently inquired into. If this proposition be true, the Senate has done the grossest injustice to Pinchback and a flagrant wrong to the State he claims to represent. Ever since the resignation of her Senator, Kellogg, a period of more than three years, Louisiana has had but one Senator on this floor. Claimants enough, and more than enough, for the vacant seat have appeared. Not to speak of others, let me remind you that in January, 1873, came John Ray, with the certificate of William Pitt Kellogg as governor that he had been duly elected to fill Kellogg's unexpired term. And afterward came P. B. S. Pinchback, with a similar certificate that he had been duly elected for the full term of six years; and that both Ray and Pinchback were elected by the same body of men claiming to be the Legislature of their State. If, then, Pinchback has a *prima facie* case, so had Ray; and if Pinchback has a *prima facie* case now, he has had precisely the same case ever since March 4, 1873. Why, then, was not Ray seated on his *prima facie* case; and why have nearly three years been suffered to elapse without seating Pinchback on his *prima facie* case? And why, at our very last session—after a period of two years of such flagrant wrong and injustice, if the proposition of the Senator from Indiana is sound—was the decision of Pinchback's claim postponed for nine months more, on the motion of one of his supporters, the Senator from his State? And why did the Senator from Indiana vote for the postponement? Have Senators been so obtuse that for three years they have been unable to comprehend a plain, valid, *prima facie* case, even when fully and often explained by the able Senator from Indiana? Is that the caliber of the forty-odd lawyers who hold or have held seats in the Senate since this question arose? Why, Mr. President, if such be the case, the sooner these lawyers resign their seats and go to some good law-school the better it will be for them and for the country. And mark it, Senators, the failure to seat Ray and Pinchback cannot be attributed to the opposition of a hostile party majority, for they have all the time belonged and yet belong to the dominant party on this floor. Why, then, I repeat, was Ray kept out, notwithstanding his *prima facie* case? And why has Pinchback been suffered to wander through these Halls and corridors for three long years, like a rejected ghost on the banks of the Styx, and found no majority to do him justice? There is but one answer to give to this question, but one answer that is consistent with the character, the dignity, and the sense of justice of the Senate; and that is, that Senators, without respect to party affiliations, have not been able to see that he has either a *prima facie* or an actual right to the seat he claims. And should he be seated now by the votes of Senators whose votes have heretofore kept him out, the strangest spectacle will have been presented, of a change of legal opinions with changing circumstances, of a decision affected by matters subsequent and alien to the controversy, that has ever yet been seen in the history of the Senate. Nine months ago the friends of Pinchback were unwilling that the decisive vote should be taken. Why unwilling? But one answer can be given: they knew, or at least they thought, that he would be rejected. Had he been rejected then, no one can tell whether a republican or a democrat would have been elected in his stead. But now that the result of the so-called Wheeler compromise has been to give the democratic party a majority on joint ballot in the Legislature of Louisiana, who have proceeded to elect J. B. Eustis, the Senator from Indiana hastens to warn his party friends that they have to choose between Pinchback, the republican, and Eustis, the democrat; as if you, republican Senators, who only nine months ago were conscientiously opposed to Pinchback's claim, are now bound to suppress your convictions, smother your consciences, and humbly vote to admit him in order to prevent the admission of a democrat. Alas, Mr. President, we have fallen to a low estate indeed, if a claim to a seat in this body, sometimes called august, is to be decided by such a consideration!

Mr. HOWE. Will it interrupt the Senator if I ask him one question?

Mr. THURMAN. Yes, sir, it will. As I am making an argument, I prefer not to be interrupted. I will with pleasure answer any question the Senator asks when I am done.

Mr. HOWE. Certainly I will not ask a question if it will interrupt the Senator.

Mr. THURMAN. Mr. President, in view of the facts to which I have referred, I maintain that whether Pinchback has a *prima facie* case or not is no longer an open question. It has been decided by the refusal of the Senate for nearly three years to seat him and by its refusal to seat his predecessor, Ray. To say now, after these refusals, that he has a *prima facie* case is in effect to attribute to the Senate the grossest stupidity or the grossest injustice; and neither imputation is admissible. No, sir; the Senate knew what it was about when it refused, or neglected, which is equivalent to a refusal, to seat Ray or to seat Pinchback upon a supposed *prima facie* case. It knew that the Senate, by its proper committee, had investigated the merits of the case, and that all the facts of the case had been reported by that committee and were before the Senate. And it knew that when a court has gone into the merits of a case there is no longer room to talk of *prima facies*. A *prima facie* case is good only when the actual case is not before the court. The moment the actual case appears the *prima facie* case vanishes. Here we have the actual case before us. We ordered our committee to ascertain it; it did ascertain it and reported it to us; the report stands uncontradicted by further testi-



mony; the facts have become a part of the authentic and official history of the country, and we are as much bound to take notice of them as we are bound to take notice of any fact in the history of the Republic. In view of these facts thus brought before us, and which we are thus bound to recognize, there is no longer a *prima facie* case upon which we have to decide. Our decision must be upon the merits, for it would be the height of absurdity to admit Pinchback upon a *prima facie* case, and then upon the testimony already before us turn around and the next day unseat him.

Before leaving this point I ought perhaps to notice the fact that, at a previous session, the Senator from Indiana quoted some remarks of mine in the Goldthwaite case to support his proposition that the certificate of the governor constitutes a *prima facie* case. But every lawyer knows that the language of a court is to be restricted to the case in hand, and the same rule applies to the language of a Senator in reference to a judicial question. Thus restricted, my remarks, quoted by the Senator, were, so far as my investigations had gone and as I believed, perfectly correct; although I have since been informed by the Senator from North Carolina [Mr. MERRIMON] that a more thorough search into the precedents discloses the fact that I had overlooked some of them and that my statement was too broad; and I think that, at the last session, he referred to some cases in which it was held that the governor's commission did not constitute a *prima facie* case. But I repeat that what I said in the Goldthwaite case was correct when applied to the facts of that case; but they have no application to a case like the present. The body that elected Goldthwaite was confessedly the Legislature of Alabama, the governor who commissioned him was confessedly the governor of the State, and no investigation by the Senate, or any committee thereof, had taken place; and so there was not one particle of testimony before the Senate to invalidate his election. And the memorial presented against him did not question the existence of a lawful Legislature or the title of the governor. It simply questioned the right of certain members of the Legislature to their seats—a question of which we could have no cognizance, and even had their seats been vacated there would have remained far more than a quorum of lawfully-elected members, and consequently a lawful Legislature. Of course, in a case like that, I was correct in saying that the governor's certificate made a *prima facie* case. But what has that to do with the case in hand, in which there were two bodies, each claiming to be the Legislature of Louisiana, and two persons each claiming to be the governor of the State, and our committee had reported that neither body was a lawful Legislature and that neither person ought to be recognized as governor? To apply my remarks to a case like this is simply to ignore the broadest and most fundamental distinctions between the cases, and to wholly misapply them. Besides, on a subsequent day, I stated the rule with greater fullness and accuracy, as follows; I read the remarks I made on that subsequent occasion:

Mr. THURMAN. The Committee on Privileges and Elections, in accordance with the universal practice of this body from the foundation of the Government to this day, a practice that has not a single exception, reported that the credentials of this gentleman being correct, and he having been elected by a body competent to elect, he was *prima facie* entitled to his seat and to be sworn in, and that any ground of contest would be heard afterward.—*Congressional Globe*, second session, Forty-second Congress, part 1, page 320.

Here you see, Mr. President, that the rule, as I stated it, requires that the claimant shall have "been elected by a body competent to elect;" but the very fact upon which Pinchback's case turns is, "Was he elected by such a body?" If he was, no one denies his right to a seat; if he was not, a thousand governor's commissions could not confer that right. And this brings me to the merits of the case. In considering them I find it unnecessary to inquire who was the lawful, or the *de facto* governor of Louisiana, McEnery or Kellogg. For, as I have said, if Pinchback was elected by a lawful Legislature, he is entitled to be seated, he could not be deprived of his seat by a refusal of either Kellogg or McEnery to give the proper certificate. On the other hand, if the body of men who elected him was not the Legislature, then he would have no title even had McEnery and Kellogg both certified that he was elected. Now what are the facts? I shall state them as found by your committee, for to give them in detail, from the thousand pages of testimony, would occupy too much time and be too great a draught upon your patience. For you have heard that testimony discussed time and again, and its general features are all that need be recalled to your memories.

On November 4, 1872, a general election was held in Louisiana for a governor and other State officers, members of Congress, one-half of the State senate, and all the members of the house of representatives of the State. There were two parties who had tickets in the field, the republican party, whose candidate for governor was William Pitt Kellogg, and the fusion party, so called, whose gubernatorial candidate was John McEnery. And each of these parties had its candidates for the other State offices and for members of the General Assembly. The official returns of the election showed majorities ranging from nine to fifteen thousand for the fusion candidates on the State ticket and the election of a large majority of fusion candidates to the Legislature. Upon these returns the senate, including the senators who held over, stood 22 fusionists and 11 republicans and the house stood 71 fusionists and 39 republicans. These facts were abundantly proved before your Committee on Privileges and Elections, and I am not aware that they are disputed by any one. (See report of committee, Carpenter's, page 81, *et seq.*) And yet the body of men as-

suming to be the legislature of the State, who pretended to elect Pinchback United States Senator, contained a majority of republicans. How was this strange result brought about? You have only to look at the report of your committee and the accompanying testimony to see. The whole history is there given in great fullness and detail. I have no time to repeat it, and therefore let it suffice for me to say that, under a law of Louisiana, which your committee found to be unconstitutional, all election returns were to be canvassed by five men, called a returning board; that three men, to wit, John Lynch, James Longstreet, and George E. Bovee, unlawfully assuming and usurping the functions of this board, pretended to canvass the election without a single official return before them, and, by rejecting about thirty-one fusionists, who, according to the official returns, were elected, and substituting for them thirty-one defeated republicans, constituted a sham legislature containing a republican majority; that, to carry this conspiracy into effect, E. H. Durell, district judge of the United States, "out of court, late at night, December 5, and without application by any party," made an order that the marshal of the United States should "forthwith take possession of the building known as the Mechanics' Institute, and occupied as the State House for the assembling of the Legislature therein, in the city of New Orleans, and hold the same subject to the further order of this court, and meanwhile to prevent all unlawful assemblage therein under the guise or pretext of authority claimed by virtue of pretended canvass and returns of said returning officers," (that is to say, the De Feriet board, who had canvassed the actual official returns and whose canvass had been proclaimed by the governor pursuant to law;) that, in compliance with this order of the judge, the marshal, S. B. Packard, taking to his aid a body of Federal troops, seized the State House the same night and held armed possession thereof with said troops for about six weeks; that, two days after the making of said order, to wit, on December 7, the same judge, in a suit brought by C. C. Antoine, enjoined every senator and member elected to the Legislature who had not been returned by the so-called Lynch board from participating in any manner in the organization of the assembly; that this order was enforced by Marshal Packard, aided by his Federal troops, by excluding all such members from the State House at the time fixed for the assembling of the Legislature, to wit, December 9; that consequently no one who was not returned by said Lynch board was permitted to take part in such organization, and the republican portion of those thus returned, containing less than a quorum of the lawfully-elected members, assumed to be the legislature of the State and made a pretended organization as such; and that this was the body of men—thirty-one of whom had no color of title to seats in the assembly—thus constituted by the void orders of a Federal judge and sustained in their usurpation by the bayonets of the Federal Army, who, on the following 15th of January, and while the State House was still in possession of Marshal Packard and the military, assumed to elect P. B. S. Pinchback a Senator of the United States.

And now, Mr. President, what said your committee in reference to these proceedings?

First, in respect to the Lynch board, which is made the foundation for this so-called legislature, the committee said:

The following are some of the objections to the validity of their proceedings:

1. The board had been abolished by the act of November 20.

So that even if the board had ever had a legal existence, its legal existence was gone by that act.

2. The board was under valid and existing injunctions restraining it from acting at all, and an injunction in the Armistead case restraining it from making any canvass not based upon the official returns of the election.

3. Conceding the board was in existence, and had full authority to canvass the returns, it had no returns to canvass.

The returns from the parishes had been made, under the law of 1870, to the governor, and not one of them was before the Lynch board.

It was testified before your committee by Mr. Bovee himself—

He was one of this Lynch board—

who participated in this canvass by the Lynch board, that they were determined to have a republican legislature, and made their canvass to that end. The testimony abundantly establishes the fraudulent character of their canvass. In some cases they had what were supposed to be copies of the original returns, in other cases they had nothing but newspaper statements, and in other cases, where they had nothing whatever to act upon, they made an estimate based upon their knowledge of the political complexion of the parish, of what the vote ought to have been. They also counted a large number of affidavits purporting to be sworn to by voters who had been wrongfully denied registration or the right to vote, many of which affidavits they must have known to be forgeries. It was testified by one witness that he forged over a thousand affidavits, and delivered them to the Lynch board while it was in session. It is quite unnecessary to waste time in considering this part of the case; for no person can examine the testimony ever so cursorily without seeing that this pretended canvass had no semblance of integrity.

Yet upon that pretended canvass, made by three men without a shadow of right to act as a returning board, having not a single official return before them, and who, according to the oath of Bovee, canvassed with a determination to make a republican legislature, this Federal judge made his order, and Federal troops were employed to keep out of that State-house and out of that assembly every man that this fraudulent and pretended board did not return.

Well, sir, let us go on further. Secondly, what said your committee in respect to Durell's midnight order—that order for the seizure of the State-house and the exclusion from it of the members who were certified to be elected by the De Feriet board, the only board your committee say that had the semblance or color of legal right, and a board which I say, after carefully looking into this report, was



the lawful returning board; and what Senator Trumbull said in favor of its legality is fully sustained by the facts—what did your committee say in reference to this midnight order of Durell to exclude the lawful members from the Legislature, and put that State-house under the control of Federal bayonets? Your committee said:

It is impossible to conceive of a more irregular, illegal, and in every way inexcusable act on the part of a judge. Conceding the power of the court to make such an order—

That was only a concession for the purpose of the argument, not in fact—

Conceding the power of the court to make such an order, the judge, out of court had no more authority to make it than had the marshal. It has not even the form of judicial process. It was not sealed, nor was it signed by the clerk, and had no more legal effect than an order issued by any private citizen.

There had been no amendment of the bill of complaint. The law of November 20 had been promulgated. The De Feriet board had been appointed in pretended pursuance thereof. Whether, under the constitution, the governor had the power, in the vacation of the Legislature, to appoint that board, upon the ground that the act of November 20 created offices, and therefore vacancies in office, your committee do not inquire. But it is understood that the constitution has been so construed in that State, and that Judge Dibble was appointed by the governor under similar circumstances.

The De Feriet board, therefore, had color of official existence. Their canvass was completed, and the result promulgated under color of the State law, and it is clear that this gave the Federal court no more right to seize the State-house than to seize this Capitol.

The marshal, on receiving this pretended order, called for a detachment of United States troops to act as a *posse comitatus*, seized the State-house at two a. m. of December 6, and held it for weeks.

That is what your committee said in respect to that order of Durell. Again, speaking of it in a subsequent part of the report, they say:

In the opinion of your committee there can be no doubt—conceding the validity of the act of November 20—that it transferred the duty of canvassing the returns of the last election to the board to be elected under the provisions of the act. The act provided for such election by the senate, and, taking effect in the vacation of the Legislature, created offices to be filled thereafter by the senate. This is what is styled in that State an original vacancy, which, happening in the vacation of the Legislature, the governor is authorized to fill by appointment; and it is said that the courts of that State have repeatedly recognized the right of the governor to make such appointments.

That showed that the De Feriet board was a lawful board. And, speaking of Durell's orders, the committee say:

Viewed in any light in which your committee can consider them, the orders and injunctions made and granted by Judge Durell in this cause are most reprehensible, erroneous in point of law, and are wholly void for want of jurisdiction; and your committee must express their sorrow and humiliation that a judge of the United States should have proceeded in such flagrant disregard of his duty and have so far overstepped the limits of Federal jurisdiction.

Thirdly. What said the committee in respect to the last order of Durell, to which I have referred; that order by which he enjoined every senator and member of the house of representatives of the Legislature, who was not on the return of the Lynch board, from taking any part whatsoever in the organization of the Assembly, in consequence of which they were wholly excluded from that State-house and the conspirators were enabled to proceed with their so-called organization? I read again from the report, pages 43 and 44. After showing that the judge could by no possibility have had any jurisdiction to make that order; that it was made directly in the face of the act of Congress which provides that the jurisdiction of the judge shall not extend to the election of members of a State Legislature; after showing that this order which undertook to determine who were the members-elect of that Legislature was not only a flagrant usurpation of the judge, but was directly in the very teeth of the act of Congress under which he pretended to act, the committee conclude as follows:

Indeed, it is impossible not to see that this bill was filed, and the restraining order thereon was issued, for the sole purpose of accomplishing what no Federal court has the jurisdiction to do, the organization of a State Legislature.

And your committee cannot refrain from expressing their astonishment that any judge of the United States should thus unwarrantably have interfered with a State government, and know no language too strong to express their condemnation of such a proceeding.

It is the opinion of your committee that, but for the unjustifiable interference of Judge Durell, whose orders were executed by United States troops, the canvass made by the De Feriet board and promulgated by the governor, declaring McEnery to have been elected governor, &c., and also declaring who had been elected to the Legislature, would have been acquiesced in by the people and that government would have entered quietly upon the exercise of the sovereign power of the State. But the proceedings of Judge Durell and the support given to him by United States troops resulted in establishing the authority *de facto* of Kellogg and his associates in State offices and of the persons declared by the Lynch board to be elected to the Legislature. We have already seen that the proceedings of that board cannot be sustained without disregarding all the principles of law applicable to the subject and ignoring the distinction between good faith and fraud.

What said the chairman of the committee, the Senator from Indiana? [Mr. MORTON.] I read from his minority report, page 76:

The conduct of Judge Durell, sitting in the circuit court of the United States, cannot be justified or defended. He grossly exceeded his jurisdiction and assumed the exercise of powers to which he could lay no claim. The only authority he had in the matter grew out of the act of Congress of 1870 to enforce the fifteenth amendment, and the act amendatory of that, passed in 1871, which gave to the courts of the United States jurisdiction in all cases in law and equity arising under the former act. Under the first act two classes of cases might arise: first, actions to enforce the rights of those who had been illegally denied the right to vote upon the ground of race, color, or previous condition of servitude, and, second, actions to enforce the rights of those who had been deprived of office by reason of the denial to persons of the right to vote on account of race, color, or previous condition of servitude; and suits in equity, ancillary or in aid of these rights of action, would come within the jurisdiction of the circuit court of the United States, among which would be a suit to perpetuate testimony. But the pretense that in a suit to perpetuate testimony the court could go beyond the natural and reasonable jurisdiction, to

decide who constituted the legal returning board under the laws of Louisiana, and to enforce the rights of such as it might determine to be members of that board and to enjoin others who were not, is without any foundation in law or logic.

In the Antoine case, Judge Durell not only assumed to determine who constituted the legal returning board, but to prescribe who should be permitted to take part in the organization of the Legislature and to enjoin all persons from taking part in such organization who were not returned by the Lynch board as elected; and this assumption of jurisdiction was made in the face of the express provision in the act of 1870 that its benefits should not extend to candidates for electors, for Congress, or for the State Legislature. His order issued in the Kellogg case to the United States marshal to take possession of the State-house for the purpose of preventing unlawful assemblages, under which the marshal called to his aid a portion of the Army of the United States as a *posse comitatus*, can only be characterized as a gross usurpation.

Those were the opinions of the Senator from Indiana when that report was made, and there never were truer words spoken by man; and they are conclusive of this case, unless, indeed, the Senate is prepared to say that a so-called legislature, established by the void orders of a judge and the unlawful use of the military power, a sham legislature, in which there never was a day, up to the time and for some time after the election of Pinchback, when there was a quorum in it of the lawfully-elected members of that body, is to be recognized; unless the Senate is prepared to sanctify the most flagrant usurpation known in the history of a State, and give one of the chief conspirators the reward for his crime.

But further, sir, what were the conclusions of the committee after reviewing the whole case? They are found on pages 44 and 50. On page 44 the committee say:

Your committee are therefore led to the conclusion that, if the election held in November, 1872, be not absolutely void for frauds committed therein, McEnery and his associates in State offices, and the persons certified as members of the Legislature by the De Feriet board, ought to be recognized as the legal government of the State. Considering all the facts established before your committee, there seems no escape from the alternative that the McEnery government must be recognized by Congress, or Congress must provide for a re-election.

Let us pause for one moment to consider the full scope of this statement. They report that if there is any legal government at all, it is the McEnery government; if there is any legal governor at all, McEnery is the man; if there is any legal Legislature, it is the McEnery legislature; and they declare, in the most positive and decisive terms, that this so-called Pinchback legislature was no Legislature at all. They afterward go further. Having demolished Pinchback and his legislature and Kellogg and his governorship, they proceed to demolish, upon rumor and suspicion and the like—no, some testimony, too, for I want to be perfectly fair—McEnery and his legislature, as they suppose. Then what conclusion does that bring them to? First, having found upon irrefragable testimony that the so-called Pinchback legislature had no legal validity at all, and then after having found upon what they admit to be very loose kind of testimony that the McEnery government also had no legal existence, they come to this conclusion at the close of their report, which they embrace in two resolutions:

Therefore your committee recommend the adoption of the following resolutions: 1. *Resolved*, That there is no State government at present existing in the State of Louisiana.

If there was no State government existing at all, then the so-called legislature which elected Pinchback had no legal validity. They report that there was no legal government then in Louisiana; and that disposes of the so-called legislature which elected Pinchback and the McEnery legislature that elected McMillen. Then they report a second resolution:

2. *Resolved*, That neither John Ray nor W. L. McMillen is entitled to a seat in the Senate, neither having been elected by the Legislature of the State of Louisiana.

Ah! neither John Ray nor McMillen whose credentials were before them had been elected by the Legislature of Louisiana. But it was precisely that so-called legislature which elected Ray that elected Pinchback, and, if I recollect aright, on the very self-same day; and it was precisely that so-called McEnery legislature that elected McMillen and that at the same time, so that they report in their resolution that this body called a legislature, by which Ray and Pinchback were elected, was not a Legislature of the State of Louisiana.

Now, who signed that report? It was signed by Matt. H. Carpenter, JOHN A. LOGAN, J. L. ALCORN, and H. B. ANTHONY. Mr. Trumbull made a separate report for himself concurring in the condemnation of the Pinchback legislature and holding it to be no Legislature at all, but disagreeing in respect to whether McEnery had been elected governor, and also disagreeing in reference to a remedy that had been proposed. He, therefore, is to be added to those who condemned this sham legislature by which Pinchback was elected.

Who next? Next comes the Senator from Georgia, [Mr. Hill.] He also condemned the Pinchback legislature, held that it had no legal existence, and he only dissented from the majority of the committee as to the mode of redress. So here are six members of this committee concurring in every word that I have said to-day.

Then comes the seventh, the chairman of the committee, the Senator from Indiana, and does he dispute any one of these facts that I have related to-day? I think not. If he does, I have overlooked it. But he bases his dissent from the views of the committee, if I understand his report and have not overlooked anything in it, solely, or, if not solely, mainly, upon certain decisions of the supreme court of Louisiana, which he says recognized the Lynch board and the Pinchback legislature; and, becoming an advocate of State-rights all at once, he maintains that we are bound by these decisions of the supreme court of Louisiana.



Now, Mr. President, I have this single remark to make to my friends who signed this report: If they will stand to-day by their solemnly recorded convictions; if they will give the vote this day which their report requires them to give, by a logic which is perfectly inexorable; if they will say to-day, as they said when they made this careful report to us, that the body that elected Ray, being the same body that elected Pinchback, was not the Legislature of the State of Louisiana—if they will say that, I think there will be an end of the question.

That is not all, Mr. President. Mr. Carpenter afterward introduced a bill in consonance with these resolutions, providing for a new election in the State of Louisiana, and that bill was founded entirely upon this report. The only basis for the bill was that there was no lawful government within the State of Louisiana. The only basis for the bill was what is declared in this first resolution:

That there is no State government at present existing in the State of Louisiana.

That bill after a long debate came to a vote in this Senate. I had the vote before me a little while ago. Suffice it to say that it received the votes of 18 for and there were 20 against, and of the eighteen who voted for it seventeen were republicans, and eight of those republicans are on this floor to-day; and, if they will stand by the logic which brought them to give their votes then, this question will be decided, and decided according to the very right of the case. They cannot justify, they cannot pretend to justify, themselves for one moment in their vote in favor of that bill, except upon the ground reported by this committee, that there was then no State government in existence in Louisiana. That is the only justification they can have for the vote they gave for that bill, and, therefore, if what they thought then was true, they are bound to give effect to that fact and to say that Pinchback, elected by a body called a legislature but which was no Legislature at all, has no right to a seat on this floor.

And here I wish to say—and I wish to say it with all proper respect to these gentlemen, for I am not assuming to lecture them as to their duty; I am not accustomed to lecture Senators as to their duty—but I beg leave in the most respectful manner to call to their attention the fact that, although subsequent events might make it wise or even justifiable for them to recognize Kellogg as now the governor of the State, that is no justification for their voting to seat Mr. Pinchback. Subsequent events—the acquiescence of the people of Louisiana, the long time he has held the office, the short time that remains of his term—might justify Senators in recognizing him as the governor, at least *de facto*, out of political considerations; but when it comes to voting upon the question whether Mr. Pinchback is entitled to a seat in this body you cannot get rid of the question, *Was the body that elected him the Legislature of that State?* And no subsequent events can make it the Legislature if it was not so at the time that election took place. If it was not the Legislature then, there is no process of ratification that, going back to the beginning, makes it a Legislature *ab initio*. There is no such thing as that known to the law of a case like this. It is therefore perfectly plain that if those Senators who voted for that bill—the Senator from Rhode Island, [Mr. ANTHONY,] the Senator from New Hampshire, [Mr. CRAGIN,] the Senator from Michigan, [Mr. FERRY,] the Senator from New Jersey, [Mr. FREELINGHUYSEN,] the Senator from Maine, [Mr. HAMLIN,] the Senator from Wisconsin, [Mr. HOWE,] the Senator from Illinois, [Mr. LOGAN,] and the Senator from Ohio, [Mr. SHERMAN,]—will vote to-day, as they voted on Mr. Carpenter's bill, for a new election in Louisiana, I say once more that this question will be decided, and decided correctly and right.

Now, Mr. President, the whole matter of this case is in a nut-shell. There is one thing upon which the question turns, and that is, *Was that body of men who assumed to elect Pinchback the lawful Legislature of the State of Louisiana?* If they were, then this fact entitles him to the seat; if they were not, then he is not entitled to the seat, and by no possibility can anything cure the defect in his title.

In respect to the decisions of the supreme court of Louisiana upon which the Senator from Indiana places such great reliance, if there ever was anything demonstrated by legal argument it is demonstrated by the report of the committee that those were decisions made without jurisdiction of the questions they professed to decide; that what the court said in reference to the Lynch board and the Pinchback legislature was mere *obiter dictum*, and that no respect whatever is due to those decisions under the circumstances of the case. I shall not go into that page of judicial history, the most painful and the most disgraceful page of judicial history ever written in the annals of this Republic; a page of history in which not only error but corruption stares you in the face at every step you take; a page of judicial history which shows men rewarded for the part they took in this conspiracy by being elevated to the bench by Pinchback when acting as governor, and by Kellogg afterward; a page of history which shows the relatives of judges receiving high and lucrative positions, and the decision of the judge in precise accordance with the wishes of those who granted the office. I say I will not go into that in detail. It is a scene too disgusting for any man to wish willingly to look upon. I pass it by, for there is one conclusive answer to all that has been said about the decisions of the supreme court of Louisiana; and that is, that the question before us is to be decided by this Senate and by this Senate alone, and that the decision of no court, not even if it were the Supreme Court of the United States, has even the force of a precedent on a question like this. The Constitution makes the Senate the sole judge of the elections, returns, and qualification of its members. It cannot, therefore, be bound by the decision of any other tribunal or

any other body of men. If it could be, it would cease to be the sole judge. If it could be, its power would be limited and hampered from day to day, as the courts of the country might render their decisions. No, sir; this power of decision is vested in us, and in us alone. We cannot abdicate that power; we cannot cast aside the duty to exercise it. We are bound to decide for ourselves, irrespective of anybody's decision; whether that so-called Legislature that elected Pinchback was the real Legislature, the lawful General Assembly of the State of Louisiana. In that inquiry no human power can control our own judgment; no human authority is authorized to interfere with the exercise of our own judgment. We must decide it, for the Constitution compels us to do so by making us the sole judge of that question. Therefore, it is all useless to talk about these decisions, even if they were decisions of courts that stood with their ermine unspotted, their learning undoubted, their firmness and courage undaunted; for even then we would have to say, "While we respect your opinion and appreciate your characters, we must decide for ourselves." But when they come from such a court as that which pronounced them, it is useless to talk about their having even the persuasive force that even the opinion of a good man, though unlettered, would have upon a judge in deciding a cause.

Mr. President, in conclusion I have only once more to repeat that there is but one question in this case; and that is, *Was the body that elected Pinchback the lawful Legislature of Louisiana?* If it was not, no matter subsequent can make it the lawful Legislature. If it was not, no ratification can go back and make it *ab initio* lawful. So that we are narrowed down to that one single question.

Now, I say once more that if changing circumstances have not changed legal opinions; if the assertion of the Senator from Indiana in his appeal to you, republican Senators, that you are called to vote between a republican and a democrat as if you were sitting here as electors of a Senator instead of judges to decide whether a Senator has been elected—if that consideration is to have no weight, if you will stand by your consciences of three years ago, if you will stand by your consciences which induced you to vote for the Carpenter bill, then I promise you that there will be a result consistent with justice, consistent with truth, consistent with the dignity and character of the Senate, and of good import for all time to come.

Mr. CHRISTIANCY. Mr. President, I have no speech to make upon this occasion. When this case was up last March I expressed my views upon it, and I simply refer to that expression of opinion without here repeating a word of it. I do not wish to take back or change one word that I then said on this question. I stand now where I stood then. I have been utterly unable to see that any subsequent events have in any respect altered the standing of the question. I think the question has been fairly stated by the Senator from Ohio who has just taken his seat. It is a question with the Constitution and laws of the land, and politics have nothing to do with the matter. If I were to allow any partisan consideration to have any influence upon my action in deciding a question purely one of the Constitution and the laws, I should feel that I deserved eternal infamy.

I shall therefore, if here at the time the vote is taken, vote against the admission of Mr. Pinchback, not upon any personal consideration whatever, but simply because I feel bound to do so in observance of the Constitution and the law.

That is all I have to say, sir.

Mr. HOWE. Mr. President, I suspect I do myself, and what is of much more gravity, do the claimant, and what is of still more gravity, do the cause of public morals a wrong in attempting to say a word this afternoon upon this subject. I have not referred to the testimony, to the history upon which this debate hinges, for a year past. I have no written speech to make. And yet, with these odds against me, I presume that extreme thing which only the best equipped men in the Senate should ever attempt to do; and that is not merely to follow the able Senator from Ohio in a debate for which he is carefully prepared, but to do a more audacious thing than that, to differ with that Senator.

Only one consideration could nerve me to take upon myself all these risks, and that consideration is this: I have noticed here to-day, as I have noticed here always since this great question arose, an assumption on the part of those who oppose the claim of Pinchback to a seat here that they were representing the side of good morals, fair dealing, honest politics, respect to law, and, of consequence, that those who defend the right of Mr. Pinchback to a seat here are misrepresenting all these concerns of eternal interest. Therefore, unprepared as I am, I want as well as I can and as briefly as possible to point out some considerations to the Senate, even to the Senator from Ohio, which prevent me from feeling that I am misrepresenting any one of these great interests.

I admit, as distinctly as the Senator from Michigan and the Senator from Ohio assert, that this is a judicial question. When I assert, and when I vote upon the right of Mr. Pinchback, I vote because of a conviction, mistaken possibly, but honest I know, that there is not a man on this floor who holds his seat upon a higher title than that which underlies the claimant to this vacant seat from Louisiana—not one of you all. I know it is a judicial question. I stand upon the law and the testimony, as I understand it. Let the Senator from Ohio be assured; let all the Senate and all the world be assured, as I know all the angels are assured, that I put no personal conviction of mine under foot to say these words or to give the vote I shall give.

I agree with the Senator from Ohio on another point. He says, if



this is a *prima facie* case that we have here, we have had the same *prima facie* case for three years; that nothing has happened to change the case. He is entirely right. The question must be adjudicated upon the facts as they existed on the 4th of March, 1873. Upon those facts I propose to pass it myself. He says, however, that there is no mere *prima facie* case before the Senate; that we cannot at this late day vote upon the idea that we are only settling the question of a *prima facie* title; that however it might have been in 1873, we must now pass upon the question on its merits.

No, Mr. President, the Senator is wrong there. I admit we ought to have the full merits of this question before us by this late day. I admit, if you please, that it is our fault, the fault of the Senate, that we have not the full merits before us at this late day. Three years would seem to be ample time in which to get all the testimony that we tried to get. It is not the fault of any one man, not the fault of any one committee, not the fault of any one party in the Senate that we have not all these merits before us. The fact is, we have no evidence before us, as we had not on the 4th of March, 1873. If we had but a *prima facie* case then, I take the words out of the mouth of the Senator from Ohio, and say that we have but a *prima facie* case before us now. What was a *prima facie* case then must be a *prima facie* case now, the facts being unchanged. But why have we not obtained all the facts in the case? Why can we not see clear to the bottom of that strange farce which was played in Louisiana in 1872 under the name of an election? I think the explanation is very simple. You have it here of record, on the last page of the report which I hold in my hand, a perfectly natural explanation. Two questions were referred by the Senate to the Committee on Privileges and Elections in 1872. One was the question whether Mr. John Ray or Mr. McMillen was elected to the Senate for that short term which expired on the 4th of March, 1873. That question was referred in December. I will not take the time to look at the precise date. The other question referred to the same committee was whether there was any lawful government in Louisiana at that time or not. There were two persons directly interested in the decision of the first question; that is, whether Ray or McMillen was Senator. Ray was defending his own case; McMillen was defending his. There was no party before the committee to represent that other question, whether there was a lawful government in Louisiana or not; but if you look all through the volume you will see that the testimony produced before the committee was marshaled there by the one or the other of those two persons. They were pressing for an early decision of the question. It was only the title to a seat up to the 4th of March following which interested either of them. If they could not get a decision before the 4th of March, a decision would do them no good whatever. Therefore, both those men protested against going into the evidence as to what was the character of the election in November preceding. They said, "No, we have not the time to investigate that; we want you to look at the papers, and see who, upon the face of the papers, has a title to take a seat in the Senate;" and they produced such evidence on the one side and the other as they saw fit respectively to produce, and when they had stopped introducing testimony the case closed, and closed with a remark made by the chairman of the committee which I will read in a moment. The last witness on the stand was John Ray, and he said:

I desire to call the attention of the committee to a statement—

Mr. STEVENSON. What page does the Senator read from?

Mr. HOWE. The last; page 1095.

I desire to call the attention of the committee to a statement, at a suggestion made by one member of the committee yesterday. I examined and found, and if the committee will act as experts they will find, that the commissioners of elections in several cases in the parishes have their names forged to the affidavits. For instance, there is one from Madison Parish, [exhibiting the papers,] and so in the parish of Grant also, and in the parish of Point Coupee, and the parish of East Baton Rouge, which, if the committee will examine as experts, they will find it very evident in some cases that they were forged.

There was the last remark made to the committee, suggesting the forging of returns, of which he said they could be satisfied if they would examine the papers themselves as experts. The committee took no notice of the suggestion. Why? Because it had nothing to do with their judgment upon the question which had the *prima facie* case, which had the paper title. If they were investigating the question upon its merits to determine what was the true result of that election, this suggestion was of infinite moment; but without making any word of reply to that suggestion the chairman says:

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

When those two parties had presented such testimony as they respectively saw fit to present, then the committee adjudged the case to be closed. Therefore they never reported to you on anything but a *prima facie* case, and you have before you to-day only just the case that committee reported to you.

The next proposition submitted to the Senate by the Senator from Ohio is entirely correct. He says that your Committee on Privileges and Elections in 1873 reported that there was no government in the State of Louisiana. If that committee were correct in that report, it follows beyond all doubt that neither Mr. Pinchback can have a seat here nor can Mr. McMillen have a seat here, nor could Mr. Ray or Mr. McMillen have been allowed to take the seat for that term which expired on the 4th of March, 1873. If there was no govern-

ment in Louisiana, of course there could be no Senator appointed in any way to represent the State of Louisiana on this floor. I do not complain of the Senator from Ohio for making that statement. I wish, however, that he had dealt a little more candidly with the Senate. Considering that he advertised himself not exactly as the confessor of the Senate, but considering that he held himself up as the exponent of the real legal duty of the Senate, I think he ought to have been just at that point a little more candid with the Senate. I wish he would have told the Senate, for instance, whether he was prepared to-day to affirm what he says the committee reported in 1873. I wish he had given us the benefit of his opinion. Does he, and do our friends on the other side of this Chamber, who stand up always for law and for morals, mean to affirm the truth of that decision made by the majority of the committee in 1873? I wanted to ask the Senator when he was at that point in his remarks what he did mean to affirm. It is a little difficult to reply adequately to the argument of a gentleman who stands first on one foot and next on the other, who at one moment in his argument knocks ahead with an opinion of his own and in the next moment shelters himself behind the opinion of somebody else without telling us whether he vouches for it or not. I have the right to call the attention of the Senate to these points. I followed the lead of the majority of the committee. I voted in 1873 for that proposition of theirs. I avowed that fact a year ago. I did penance for it, as far as a Senator can do penance for a mistaken vote. I was not entirely satisfied; I was very much dissatisfied at the time with the vote I gave. You know the question was pressed upon us in the exigencies of the last days of a short session. The report of the committee came to our tables but a very few days before the session closed. No man except the members of the committee themselves had time to examine it. I for one went with the majority, thinking that I was more likely to be safe in that path than in any other, and the one thing that distressed me most, as I have said before on this floor, was the fear that I might be doing not injustice to Mr. Pinchback but injustice to Mr. McMillen. Listening to the debate had then as well as I could, I was not quite able to see that a case was made out against the claim of Mr. McMillen. I have seen that very clearly since, and I have stated it as well as I could to the Senate. I do not mean to repeat that statement this afternoon any further than to say this: that the question who was governor of Louisiana, and who constituted the Legislature of Louisiana in 1872, is not a question decided to my satisfaction by Judge Durell or by any other judge of any other court whatever. There was only one tribunal in the world which could determine who should be or who should not be the Legislature or the governor of that State, and that was the people of Louisiana. So far as this imperfect evidence can guide one to a result, I have gone through the evidence. I have said before, and I repeat here to-day, that upon that examination of the evidence I am profoundly convinced of two things: first, that when the ballot-boxes were closed in Louisiana on the night of November 4, 1872, a majority of the ballots resting in them were cast by republicans and for republican candidates. That is my conviction. One other opinion I have is, that during that day many thousands of republican voters with republican ballots in their hands were by force driven away from the polls and denied the poor privilege of depositing them. That is my conviction. I have stated here before the testimony upon which that conviction was based. I have never heard a reply to it, and I do not expect a reply to it here.

Then, I say, if you are disposed to inquire what the people of Louisiana decided on the 4th of November, 1872, I believe you will find that they decided that Kellogg should be governor and not McEnery; that a legislature republican in character should make the laws for that State, and not a legislature democratic in character. You have not made that inquiry yet, and until you do make that inquiry we must of course stand upon the case submitted to us in 1873 by the Committee on Privileges and Elections. What has resulted from that case? Briefly this: that a certain certificate, bearing the seal of Louisiana has been laid upon your table affirming that the Legislature of that State chose Mr. Pinchback to be Senator for the term of six years from the 4th of March, 1873. Mr. Pinchback was chosen by the Legislature of Louisiana to be Senator for six years from the 4th of March, 1873, and I understand that certificate is signed by Mr. Kellogg as governor of the State of Louisiana. Why does not that make a *prima facie* title to a seat? When the governor of Wisconsin puts his name to a certificate, sealed with the seal of that State, declaring that any one of her citizens is chosen by the Legislature to be a Senator, you do not ordinarily inquire any further. When the governor of Missouri does the like, the Senate for the time being believes the governor of Missouri, and takes the man so certified into the vacancy, if one exists, in the Senate. But is Kellogg governor of Louisiana? How do we know whether he is governor of Louisiana or not? I say he is governor *de jure* if a majority of the people of Louisiana voted for him in 1872. I say he is governor *de jure* if you add to the number of votes which were given for him the number of those voters who tried to vote for him and were illegally denied the right to vote for him, because your statute says so. I believe such was the fact; but then we have not tried that. Was he and is he governor *de facto* of the State of Louisiana? If so, do you not think it the bounden duty of the Senate, if it means to respect law, to respect that *de facto* title of the governor and admit the man in whose favor he certifies to the seat, at least until we have tried the title of the governor? Is there a man on this floor who is prepared to stand up here and say that Mr. Kellogg is not



and has not been the governor of Louisiana, the acting, the *de facto* governor of Louisiana, from the time he signed that certificate in behalf of Mr. Pinchback? I have not heard that denied latterly. Early in this controversy it was denied, but there he has continued from that day to this to discharge the duties of governor; and it would seem as though in all these years, acting in the face of the world as a governor, that at least the *de facto* right to the office of governor might have been established.

Now, how much do we know about that particular Legislature which Governor Kellogg says elected Pinchback as a Senator? We know that in the face of Louisiana and in the face of the world that Legislature has made laws from that time to this, and one would think that a body of men which could make laws for a State, laws respected through the State, and laws recognized throughout the world, ought to be recognized precisely as the body of men to appoint a Senator for the State. What difficulty is known to exist in the title of that Legislature? The Senator from Ohio starts two objections. He says that the members of that Legislature were counted in by a board of returns defective in two particulars. First, he says himself that it consisted of but three men; and secondly, he says in the name of the majority of the Committee on Privileges and Elections that it was unconstitutional. You see here two different objections maintained by two different authorities. One is that it is unconstitutional on the authority of the Committee on Privileges and Elections, the other is that it consisted of but three members, and that stands on the authority of the Senator from Ohio. The Committee on Privileges and Elections may be right in their opinion; the Senator from Ohio is unquestionably wrong in his. The board consisted of more than three men. Under the laws of Louisiana the board was composed of five men, and they acted or did not act as seemed to them good. A quorum could act. How many were present at the time and every hour while this work was being done does not appear, is not known to the Senator from Ohio, is not known to the Senate. The Committee on Privileges and Elections may have been and were of opinion that the particular board which made that canvass was unconstitutional. The courts of Louisiana held it was constitutional, held that it was the one board authorized by law to make that canvass. The Senator from Ohio meets that fact in the only way in which he can meet it. He says that those judgments do not bind us. O, no; they do not bind the Senator from Ohio, I see; they do not bind Senators on the other side of this Chamber, perhaps; but if the Senator from Ohio means to establish a character with the people of the United States for respect for law, he can hardly do it by trampling on the judgments of the superior courts of a State upon a matter pertaining to their jurisdiction exclusively. We undoubtedly have the power to disregard any judgment which has been pronounced in a State by any tribunal there. When the Legislature of New York sends a man here to represent her, you can shut your doors in his face if you please; you can say that the man who certifies his credentials was not governor; you can say that the body which pretended to elect him was not the lawful Legislature. You can make any allegation you please. If you close your doors against the man, there is no appeal for him, for there is no tribunal with power higher than yours upon that question; and no man comes here, or at least it is seldom that a man comes here, with the papers establishing his title which have been declared to be valid by the judicial authorities of the State. Ordinarily you can exclude a man from these Chambers without slapping in the face any but the executive or the legislative authorities of the State; but when you turn Pinchback from these doors you trample upon the authority of the only man who has exerted a shadow of authority in Louisiana as a governor, upon the only body of men which has exerted the shadow of authority as a legislature, and you trample upon the judgment of all the courts in that State; every department of the government of Louisiana lies in the dust under the feet of him who denies the right of Pinchback to a seat on this floor.

Mr. President, the ghost of Durell has been paraded in the Chamber again to-day. It is a ghost honestest than Banquo's. It has tried to get down, and would if you would let it. He has resigned; he has done everything he could to quit your sight. It does sometimes seem to me as though Durell was felt to be the very last, not to say the very best, card the Senators on the other side ever held in their hands or ever expected to hold. I have taken my turn once in denouncing Durell. I am not going to spend any more breath in that cause. I have not much left. I have this to say, however, to those of stronger lungs and a clearer sense of right than I have: You pile your anathemas upon Durell high as you please, Alps on Alps, and Ossa on Pelion. I will not help you, nor will I lift a finger to obstruct you. I will cheer you on in your way; but this I want to say, that if Durell's usurped action cannot confer title upon Pinchback, which I admit, may I not at least modestly claim that Durell's infamous usurpation cannot defeat Pinchback of a seat?

Mr. EDMUNDS. Would not that depend a little on whether he had produced it?

Mr. HOWE. Not at all. What did poor Durell do? There were in that poor mob-ridden State of Louisiana in the fall of 1872 two boards which claimed the right to count the votes for governor. Only one was lawful. Which one that was, you know to-day; every Senator on this floor knows, if he will respect the voice of the judicial power of the State. But there was another one claiming that authority. You know that that other one had no right to canvass the votes. So you

have been told, not by Senators, nor by committees, but by the judicial department of the State, speaking with the authority of an ultimate tribunal, the court of last resort. The man who was playing governor of Louisiana happened to be in sympathy, not with the board which had the legal right to count the votes, but with that other board which had not the right to count the votes. That governor, in defiance of all the law there was in Louisiana, having some of the returns of election in his hands—for the law required those returns to be transmitted to him instead of submitting them to the board which of right might count them—gave them to that board which of right could not count them. There is nothing more explicit in law than is the commandment of the State of Louisiana, found in her statutes, which says that the board of returns, the legal board of returns, not the illegal one, having canvassed the votes for senators and representatives, shall make a list of those they find elected and shall return that list to whom? To the secretary of state. What shall he do with it? He shall transmit those names to the secretary of the old senate and to the clerk of the old house, and when the time arrives for the meeting of the Legislature that secretary has the simple duty of calling over the names of those senators so certified to him by the secretary of state; and the clerk of the house has to perform the same duty in his body.

Mr. EDMUNDS. What does the constitution of the State say upon the same subject?

Mr. HOWE. I have not the constitution in my hands, but I will hear it read if the Senator has it.

Mr. EDMUNDS. I merely inquired for the purpose of getting an explanation.

Mr. HOWE. I do not know but that the constitutionality of this law is to be impeached; but that is the statute.

Both these boards, the one which the law authorized to count these returns and that which was not authorized, did make a count, with this difference: that the board which was authorized to count had not any lawful returns in its hand, and the board which was not authorized to count did have some of the returns in its hand. Both made lists; both transmitted them to men they called secretaries of state, but there was this difference: The Lynch board, by which I mean the republican board, sent the list of members which they found elected to the man who the courts of Louisiana have said over and over again was really the secretary of state. The other board, the De Feriet board, by which I mean the democratic board, sent its list of members to another man, who all the courts in Louisiana say was not secretary of state. As to the conduct of those boards, the Lynch board has been severely denounced. I join in the denunciation. I have heard less of the De Feriet board, but I have looked into that volume, and I do not expect here or elsewhere to find a man who has examined it as I have who will not say, if he ventures to state the truth, that of all the rascalities which were committed in the count, and they were numerous enough God knows, the De Feriet board committed its full share. I do not impute the character to the returns made by either of those boards that they were actuated by a sense of justice or a desire to get at the truth, but those boards undoubtedly declared men to be elected who they knew in all conscience were not elected. I have not a doubt of that; but then there were those two lists made up. You may assert, and I will admit, that names contained on the list certified by the Lynch board had no business there; but such was the fact with exactly all the lists certified by the De Feriet board. Neither could call the other black. Neither could taunt the other with fraud.

Mr. EDMUNDS. Each could.

Mr. HOWE. Well, I will accept the amendment suggested by my friend from Vermont, who can always state facts more accurately than I ever can. Yes; I think he is right, that each could taunt the other with fraud; and when the one stood up and said to the other, "You are a knave," it was perfectly legitimate and entirely truthful for the other to retort, "You're another." I think on the whole it is the best statement of the case.

But these two lists were made up by these two boards. One of them was sent to the secretary of state, the other was not, but was sent to a sham and pretended secretary of state. That list which was sent to the secretary of state was transmitted to the clerk of the house and to the secretary of the senate; but then the sham and spurious legislature counted in by this sham and spurious De Feriet board, certified to by Jack Wharton, that sham and spurious secretary of state, was mustered in New Orleans waiting for the time to arrive when the Legislature should convene, backed up by whom? I know not by Federal bayonets, but none the less by bayonets, backed up, I admit, not by a soldiery commanded by the officers of the United States; backed up by a soldiery commanded by Warmoth's militia officers. They were preparing to meet and to make believe be the Legislature of Louisiana. The law told them not to meet. Why? Because they did not hold the certificate of the returning board. Some of them held it, because some of them held the certificate issued by the Lynch board. Those who held the certificate of the Lynch board were of course authorized to meet, but only those who held the certificate of the Lynch board were authorized by the law of Louisiana to take a seat either in the senate or in the house of representatives, except those senators who held over.

Such being the condition of things, two bodies holding by two different titles, one lawful, the other utterly unlawful, prepared to



meet and to make believe be the Legislature of a State, in that condition of affairs Judge Durell seems to have thought in some luminous moment that he could outflank Warmoth, and he sat down and wrote an order commanding that all these sham statesmen who proposed to muster there under the license of the De Feriet board should keep out of the Legislature, and they were kept out of the Legislature. That order of Durell, I understand, was absolutely enforced by two soldiers. I am told that they had uniforms on, both of them—the uniform prescribed by your service—and they crossed bayonets over the door, and not one of those fellows, not one of those felons—I speak in the eye of Louisiana law when I call them so, because if they held the certificate of the Lynch board the bayonets did not prevent them from entering, and if they did not hold the certificate of the Lynch board the law of Louisiana told them not to enter—was admitted to the legislative hall. That order of Judge Durell usurped I admit, void unquestionably, mere paper, did prevent the usurpation of Warmoth, backed by Jack Wharton, backed by the De Feriet board; did prevent the assembling of a Legislature which had no semblance of authority or legality.

From that day to this the country has rung with denunciation of Judge Durell. I hope somebody feels more virtuous on account of it. I hope our democratic friends have been improved morally by the pile of anathemas they have heaped upon him. If they could find a leisure moment at some time to pronounce one feeble anathema upon that infamous band of conspirators who tracked the election of 1872 all the way through from the commencement of registration to the assembling of the Legislature; the men who cheated voters out of the right of registration by the thousand; the men who drove them from the ballot-boxes by the thousand; the men who forged returns; the men who cushioned returns; the men like Warmoth who disregarded all the law there was in the State over which he claimed to be executive—if they could find a leisure moment to breathe one single word of criticism upon this mountain of infamy, I believe it would do them good all the rest of their lives. Yes, when it is known that a band of burglars are about to break open a house at midnight, I admit if the Chief-Justice of the Supreme Court should issue an order commanding them not to do it, it would be a usurpation; he would have no business to do it; but, nevertheless, if the only effect of the order was to keep the burglars out of your house, would you find fault? Undoubtedly so strict a constructionist as the Senator from Ohio would say, "This is a gross prostitution of the judicial ermine." We could not deny that; it would be a prostitution of the judicial ermine; but after all, I should hope to find in the Senate of the United States, and even on the democratic side of the Chamber, some man who would not only agree that the judge had no business to issue the order, but who, on reflection, would admit that it was not a great crime to keep burglars out of the house.

That is all I have to say of Durell. He usurped authority which the law did not confer upon him, and the end of it is that not a man was kept out of the Legislature of Louisiana who had any right in that Legislature; and is there a lawyer on the other side of the Chamber who will dispute that statement of mine? If a man was kept out of that Legislature by that order of Durell, or by the soldiers who acted in pursuance of it, or by Packard, or anybody else, is there a lawyer on that side of the Chamber who does not know that the wrong would have been judicially redressed in the courts of the land long before this time? Sir, I hold a right to enter this Chamber as a Senator from Wisconsin. Do you think there is any judge in the District of Columbia who can organize a force, military or otherwise, which can deprive me of my seat here? Do you not know that the moment any man, no matter what judge tells him, no matter what uniform he wears, raises his hand, or authorizes another to raise his hand, to stay my entrance to this Chamber, that moment he must go before the judicial tribunals of the country to answer for this wrong. That would have been done with Durell; that would have been done with Packard; that would have been done with the soldiers who acted under their command and upon their license, only for this simple fact, that every lawyer in Louisiana knew that every man kept out of that Legislature was kept out not in violation of law, but in pursuance of law.

Mr. STEVENSON. Was not Durell arraigned?

Mr. HOWE. Arraigned where?

Mr. STEVENSON. By the only impeaching power under this Government—the House of Representatives of the United States.

Mr. HOWE. But why was he not arraigned by the gentlemen whose rights he trampled upon? Impeaching a judge is one thing. I do not wait for the House of Representatives to redress my wrongs when a judge shall illegally keep me from entering that door. I see a lawyer in my eye whom I would take into my employ at once. I would go to the judicial tribunal before which that judge would have to come. I would not wait for the House of Representatives to present him here for your judgment on impeachment; he should answer to me in damages.

Mr. President, I have lingered longer upon this case than I meant to do when I took the floor. I may be, after all, mistaken in some of these views of mine; but let no man assume for a moment that I do not believe I am right. I believe the most monstrous violation of the right of franchise ever perpetrated or ever attempted anywhere in the history of popular government was that perpetrated upon the people of Louisiana in 1872, when every avenue to the ballot-box was guarded by the democratic party of the State of Louisiana.

#### EXECUTIVE SESSION.

Mr. EDMUNDS. Mr. President, I move that the Senate proceed to the consideration of executive business.

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

#### HOUSE OF REPRESENTATIVES.

MONDAY, February 7, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.

The Journal of Friday last was read and approved.

JAMES M. DOWNEY.

On motion of Mr. HUNTON, by unanimous consent, the Committee on War Claims were discharged from the further consideration of the bill (H. R. No. 743) for the relief of James M. Downey, of Loudoun County, Virginia.

#### ENROLLED JOINT RESOLUTION SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled the joint resolution (H. R. No. 11) authorizing G. Harris Heap, United States consul at Tunis, to accept the trust of commissioner of the Bey of Tunis.

#### CUSTOMS COLLECTIONS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting, in response to House resolutions of December 15, 1875, and January 6, 1876, a statement showing collections and expenses of collections and the amount of goods examined in the ports of the United States for the fiscal year ending June 30, 1874.

The SPEAKER. The Chair is not sure whether this communication should be sent to the Committee of Ways and Means or to the Committee on Appropriations.

Mr. RANDALL. Let it be printed, and then we can see where it properly belongs.

The communication was referred to the Committee of Ways and Means, and ordered to be printed.

#### SURVEY OF RIVERS IN MICHIGAN.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with the requirement of the river and harbor act of March 3, 1875, a report of Major G. Weitzel of the cost of surveys of the Saginaw River, Michigan, Thunder Bay, Clinton River, and Au Sable River, Michigan; which was referred to the Committee on Commerce, and ordered to be printed.

#### J. C. IRWIN AND WILLIAM PHILLIPS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in response to a request of the Committee on Military Affairs, a report of the Acting Quartermaster-General on the bill (H. R. No. 161) for the relief of J. C. Irwin and William Phillips; which was referred to the Committee on Military Affairs.

#### INTERNAL IMPROVEMENTS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, for the information of the Committee on Commerce, a statement of the amounts appropriated for each river and harbor improvement from 1824 to and including March 3, 1875; which was referred to the Committee on Commerce, and ordered to be printed.

#### SABINE PASS, TEXAS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, for the information of the Committee on Commerce, an estimate for continuing the improvements at Sabine Pass, Texas; which was referred to the Committee on Commerce.

#### SALE OF CADET ARMS.

The SPEAKER also laid before the House a letter from the Secretary of War, on the bill (H. R. No. 683) authorizing the sale of cadet arms; which was referred to the Committee on Military Affairs, and ordered to be printed.

#### UPPER MISSISSIPPI RIVER.

The SPEAKER also laid before the House a memorial and joint resolution of the Legislature of Iowa, in reference to the improvement of the navigation of the Upper Mississippi River; which was referred to the Committee on Commerce.

#### ORDER OF BUSINESS.

The SPEAKER. The morning hour now begins at twelve o'clock and thirty minutes. This being Monday, the first business in order during the morning hour is the calling of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back into the House by motions to reconsider. Under this



call memorials and resolutions of State and territorial Legislatures may be presented for printing and reference.

#### PENAL TONNAGE TAX.

Mr. HALE introduced a bill (H. R. No. 1817) limiting the penal tonnage tax on certain United States vessels at the old grade of thirty cents per ton instead of \$1.30; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### AMENDMENT OF REVISED STATUTES.

Mr. HALE also introduced a bill (H. R. No. 1818) to amend section 2931 of the Revised Statutes of the United States so as to allow repayment by the Secretary of the Treasury of the tonnage tax where it has been unduly exacted; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### LIGHT-HOUSE, YORK, MAINE.

Mr. BURLEIGH introduced a bill (H. R. No. 1819) to erect a light-house on the Nubble Cape Meddick in York, York County, Maine; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### INJURY TO PUBLIC LIBRARIES.

Mr. FRYE introduced a bill (H. R. No. 1820) to provide a penalty for wanton injury to the public libraries of the District of Columbia and in the Territories of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### CAPITOL AND NORTH O STREET RAILWAY.

Mr. HENDEE introduced a bill (H. R. No. 1821) amendatory of the act to incorporate the Capitol, North O street, and South Washington Railway Company; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

#### LATE FIRE IN BOSTON.

Mr. WARREN introduced a bill (H. R. No. 1822) to remit the duties upon certain goods destroyed by fire at the late conflagration in the city of Boston; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

#### PLEASURE YACHT ELLA.

Mr. PIERCE introduced a bill (H. R. No. 1823) to change the name of the pleasure yacht Ella to that of Myra; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### PLEASURE YACHT HIRAM B.

Mr. CRAPO introduced a bill (H. R. No. 1824) to change the name of the pleasure yacht Hiram B., to Iola; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### SAFETY MATCHES.

Mr. BALLOU introduced a bill (H. R. No. 1825) to exempt from stamp tax safety matches made in the United States, which can only be lighted by striking upon a chemically-prepared surface; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

#### GEORGE COWLES.

Mr. PHELPS introduced a bill (H. R. No. 1826) for the relief of George Cowles, of New Haven, Connecticut; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### BREAKWATER IN CONNECTICUT.

Mr. BARNUM introduced a bill (H. R. No. 1827) making an appropriation for building a breakwater from Fayweather Island to Short Beach, in Fairfield County, Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### NEW YORK CHAMBER OF COMMERCE.

Mr. WOOD, of New York, introduced a bill (H. R. No. 1828) to convey to the Chamber of Commerce of the State of New York certain lands in the city of New York for the consideration of \$200,000; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

#### A. H. WALLIS, AND OTHERS.

Mr. WOOD, of New York, also introduced a bill (H. R. No. 1829) for the relief of Alexander H. Wallis, George Russell, and Henry Russell; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

#### JOHN LAIDLAW.

Mr. WALKER, of New York, introduced a bill (H. R. No. 1830) for the relief of John Laidlaw, late first lieutenant United States Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### SOLDIERS' MONUMENT IN ORANGE COUNTY, NEW YORK.

Mr. BEEBE introduced a bill (H. R. No. 1831) to authorize the Secretary of War to appropriate condemned ordnance for the erection of a monument to the memory of the soldiers and sailors of Orange County, New York, who fell during the late war; which was read a

first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### GORDON B. BARNES.

Mr. BEEBE also introduced a bill (H. R. No. 1832) granting arrearages of pension to Gordon B. Barnes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### JOHN T. NEALE.

Mr. COX introduced a bill (H. R. No. 1833) for the relief of John T. Neale; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### BUREAU OF ARCHITECTURE.

Mr. HEWITT, of New York, introduced a bill (H. R. No. 1834) to establish a bureau of architecture; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

#### NAVY-YARD, BROOKLYN.

Mr. METCALFE introduced a bill (H. R. No. 1835) to provide for reclaiming and improving the swamp and overflowed lands connected with the United States navy-yard, Brooklyn, Long Island; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

#### VALUATION OF AD VALOREM IMPORTS.

Mr. WILLIS introduced a bill (H. R. No. 1836) to provide for the valuation of imports upon which customs duties are imposed paying in whole or in part *ad valorem* rates; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

#### AMENDMENT OF REVISED STATUTES.

Mr. WILLIS also introduced a bill (H. R. No. 1837) to abolish certain officers and to correct sections 2625 and 2630 of the Revised Statutes; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

#### POST-ROAD.

Mr. WILLIS also introduced a bill (H. R. No. 1838) to make a bridge over the Hudson River between Verplank's Point and Butternilk Falls a post-road; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

#### PROTECTION OF LIFE AND PROPERTY AT SEA.

Mr. WILLIS also (at the request of Mr. ELY) introduced a bill (H. R. No. 1839) for the better protection of life and property at sea; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### POST-OFFICE SAVINGS-BANKS.

Mr. COX (by request) introduced a bill (H. R. No. 1840) for the establishment of post-office savings-banks for small sums with Government security; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

#### REFORM OF CIVIL SERVICE.

Mr. COX also (by request) introduced a bill (H. R. No. 1841) to reform the civil service of the United States; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

#### MARCELLUS RILEY.

Mr. DAVY introduced a bill (H. R. No. 1842) for the relief of Marcellus Riley, of Rochester, New York; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### LEWIS E. WINANS.

Mr. LAPHAM introduced a bill (H. R. No. 1843) for the relief of Lewis E. Winans, late a private in Company C, Fourth New York Heavy Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### AMENDMENT OF BANKRUPT LAW.

Mr. MACDOUGALL introduced a bill (H. R. No. 1844) to amend section 22 of the bankrupt act, approved March 2, 1867; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### PATENTS AND COPYRIGHTS.

Mr. MACDOUGALL also introduced a bill (H. R. No. 1845) to amend the act entitled "An act to revise, consolidate, and amend the statutes relating to patents and copyrights;" which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

#### COLONEL W. H. EMORY.

Mr. MACDOUGALL also introduced a bill (H. R. No. 1846) authorizing the retirement of Colonel W. H. Emory with the rank and pay of a brigadier-general; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### LAWRENCE A. WILLIAMS.

Mr. MACDOUGALL also introduced a bill (H. R. No. 1847) to place Lawrence A. Williams, late major Sixth Cavalry, United States Army,



upon the retired list of the Army with the rank of colonel; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES E. BOGGS.

Mr. ROSS, of New Jersey, introduced a bill (H. R. No. 1848) authorizing the restoration of Charles E. Boggs to the active list of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ABIGAIL T. DAWNEY.

Mr. TOWNSEND, of Pennsylvania, introduced a bill (H. R. No. 1849) granting a pension to Abigail T. Dawney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RELIEF OF NAVAL OFFICERS.

Mr. O'NEILL introduced a joint resolution (H. R. No. 60) for the relief of certain officers of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HARVEY B. KILBORN.

Mr. POWELL introduced a bill (H. R. No. 1850) granting a pension to Harvey B. Kilborn, private in Company C, Thirtieth Regiment Pennsylvania Militia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS G. RAWLINS AND HIS NORTHERN CREDITORS.

Mr. CLYMER introduced a bill (H. R. No. 1851) for the relief of Thomas G. Rawlins and his northern creditors; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DEPOSITS OF PUBLIC MONEY.

Mr. MUTCHLER introduced a bill (H. R. No. 1852) to amend sections 5490 and 5497 of the Revised Statutes regulating the deposits of public money; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PRIZE MONEY.

Mr. HOPKINS introduced a bill (H. R. No. 1853) to provide for adjusting and paying claims for prize money due to certain citizens of Alleghany County, Pennsylvania; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAPTAIN JOHN S. M'MILLEN.

Mr. HOPKINS also introduced a bill (H. R. No. 1854) to compensate Captain John S. McMillen; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MICHAEL QUANY.

Mr. STENGER introduced a bill (H. R. No. 1855) granting a pension to Michael Quany; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES. W. BOWEN.

Mr. JAMES B. REILLY introduced a bill (H. R. No. 1856) for the relief of James W. Bowen, provost marshal of the late tenth congressional district of Pennsylvania; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

WILLIAM S. MORRIS AND OTHERS.

Mr. RANDALL introduced a bill (H. R. No. 1857) for the relief of William S. Morris, W. S. Mann, Charles A. Oakman, George W. Hillman, Union Transfer Company, and John R. Graham; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

CHARLES DOUGHERTY.

Mr. KETCHUM introduced a bill (H. R. No. 1858) to re-imburse Charles Dougherty for his expenses to the consulate at Londonderry; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

REMOVAL OF CAUSES FROM STATE COURTS.

Mr. ROSS, of Pennsylvania, introduced a bill (H. R. No. 1859) to amend an act entitled "An act to amend an act for the removal of causes in certain cases from the State courts, approved July 27, 1866," approved March 6, 1867; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WASHINGTON CITY AND ATLANTIC COAST RAILROAD COMPANY.

Mr. HENKLE introduced a bill (H. R. No. 1860) to incorporate the Washington City and Atlantic Coast Railroad Company; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

THOMAS JOHNS.

Mr. WALSH introduced a bill (H. R. No. 1861) granting a pension to Thomas Johns; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMANDA M. SMYTH.

Mr. O'BRIEN introduced a bill (H. R. No. 1862) for the relief of Amanda M. Smyth, widow of the late Brevet Major-General Thomas A. Smyth; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

IMPROVEMENT OF LITTLE WICOMICO RIVER AND URBANA CREEK, VIRGINIA.

Mr. DOUGLAS introduced a bill (H. R. No. 1863) providing for the improvement of the Little Wicomico River and Urbana Creek, Virginia; which was read a first and second time, ordered to be printed, and, with the accompanying engineer's report, referred to the Committee on Commerce.

JAIL, ESSEX COUNTY, VIRGINIA.

Mr. DOUGLAS also introduced a bill (H. R. No. 1864) to re-imburse the county of Essex, in Virginia, for the loss of its jail, destroyed while occupied by United States troops in 1865; which was read a first and second time, ordered to be printed, and, with the accompanying memorial, referred to the Committee on War Claims.

PIEDMONT RAILROAD COMPANY.

Mr. DOUGLAS also introduced a bill (H. R. No. 1865) to enable the Piedmont Railroad Company to present their claims to the Court of Claims; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LOUISA SUMMERS.

Mr. HUNTON introduced a bill (H. R. No. 1866) for the relief of Louisa Summers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WASHINGTON AND OHIO RAILROAD COMPANY.

Mr. HUNTON also introduced a bill (H. R. No. 1867) to aid the Washington and Ohio Railroad Company in the construction of their road to the Ohio River; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

BLACK WATER RIVER, VIRGINIA.

Mr. GOODE introduced a bill (H. R. No. 1868) for the improvement of Black Water River, Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC PROPERTY AT NORFOLK, VIRGINIA.

Mr. GOODE also introduced a bill (H. R. No. 1869) for the repair and preservation of the public property at Norfolk, Virginia; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN G. COOPER.

Mr. VANCE, of North Carolina, introduced a bill (H. R. No. 1870) granting a pension to John G. Cooper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MERIT YOUNG.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 1871) granting a pension to Merit Young, of Company C, Thirteenth Tennessee Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN L. MARSH.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 1872) granting a pension to John L. Marsh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. C. HOPSON.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 1873) to grant a pension to W. C. Hopson, Company D, Third North Carolina Mounted Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SCHOONER UNDINE.

Mr. WADDELL introduced a bill (H. R. No. 1874) granting a new register to the schooner Undine; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ALEXANDER SUTHERLAND.

Mr. ASHE introduced a bill (H. R. No. 1875) for the relief of Alexander Sutherland; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

JOSEPH BOST.

Mr. ASHE also introduced a bill (H. R. No. 1876) for the relief of Joseph Bost; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

WALLEY MEGGETT.

Mr. MACKEY, of South Carolina, introduced a bill (H. R. No. 1877) for the relief of the heirs of Walley Meggett, deceased; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

ATLANTA A PORT OF DELIVERY.

Mr. CANDLER introduced a bill (H. R. No. 1878) to establish Atlanta, in the State of Georgia, a port of delivery; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES TRASS.

Mr. HOOKER introduced a bill (H. R. No. 1879) to grant a pension



to James Trass, of Company C, First Louisiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK A. BENTER.

Mr. MOREY introduced a bill (H. R. No. 1880) for the relief of Frank A. Benter; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

#### LEVEES OF THE MISSISSIPPI RIVER.

Mr. MOREY also presented a joint resolution of the General Assembly of the State of Louisiana, asking for an appropriation by Congress to construct the levees of the Mississippi River; which was referred to the Select Committee on the Mississippi Levees, and ordered to be printed.

Mr. MOREY. I ask unanimous consent that the joint resolution may also be printed in the CONGRESSIONAL RECORD.

There was no objection, and it was so ordered.

The joint resolution is as follows:

Joint resolution asking for an appropriation by the Congress of the United States for the purpose of constructing levees on the Mississippi River, in Louisiana, and for the General Government to assume control of all the levees in Louisiana.

SECTION 1. *Be it resolved by the senate and house of representatives of the State of Louisiana, in General Assembly convened,* That the Senators and Representatives in Congress from Louisiana be, and are hereby, requested to urge upon the Congress of the United States the passage of a bill making an appropriation for the rebuilding of all the levees on the Mississippi River in Louisiana which are in need of reconstruction, and which our State, for want of means, is utterly unable to rebuild; and also to secure, if possible, the passage of a law providing for the assumption by the General Government of the entire and exclusive control of the levee systems of the Mississippi River and its tributaries in Lower Missouri, Arkansas, Mississippi, and Louisiana.

SEC. 2. *Be it further resolved, etc.,* That the governor of the State be instructed to transmit a certified copy of these resolutions to each of our Senators and Representatives in Congress at the earliest possible moment, and to transmit therewith all needed statistical data and information required for or which will facilitate a full and proper presentation of the subject-matter to Congress.

E. D. ESTILETTE,  
*Speaker of the House of Representatives.*

C. C. ANTOINE,  
*Lieutenant-Governor and President of the Senate.*

Approved February 3, 1876.

A true copy:

WM. P. KELLOGG,  
*Governor of the State of Louisiana.*

P. G. DESLONDE,  
*Secretary of State.*

STATE OF LOUISIANA, OFFICE OF SECRETARY OF STATE,  
*New Orleans, February 3, 1876.*

I hereby certify the foregoing to be a true and correct copy of joint resolution No. 2, approved February 3, 1876.

Given under my hand and the seal of the State this 3d day of February, A. D. 1876, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,  
*Secretary of State.*

#### HOMESTEADS TO ACTUAL SETTLERS.

Mr. SAYLER introduced a bill (H. R. No. 1881) to secure homesteads to actual settlers on the public lands; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

#### FIRST LIEUTENANT DAVID J. EZEKIEL.

Mr. BANNING introduced a bill (H. R. No. 1882) to authorize the President of the United States to promote First Lieutenant David J. Ezekiel, of the Fourth Regiment of Infantry, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### CLAIMS AGAINST THE UNITED STATES.

Mr. HURD introduced a bill (H. R. No. 1883) for the relief of parties having just claims not timely preferred to funds in the Treasury derived from sales of captured and abandoned property, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### MARY LANCASTER.

Mr. HURD also introduced a bill (H. R. No. 1884) granting a pension to Mary Lancaster, widow of Joseph B. Lancaster, captain in the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

#### RESPONSIBILITIES OF SURETIES.

Mr. HURD also introduced a bill (H. R. No. 1885) to define the responsibilities of sureties; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### ROBERT CLARKE.

Mr. VANCE, of Ohio, introduced a bill (H. R. No. 1886) granting a pension to Robert Clarke, late first lieutenant Second United States Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### CITIZENS' BUILDING COMPANY.

Mr. NEAL, (by request,) introduced a bill (H. R. No. 1887) to incorporate the Citizens' Building Company of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

#### MELVILLE H. HUDSON.

Mr. WOODWORTH introduced a bill (H. R. No. 1888) granting a

pension to Melville H. Hudson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### HENRY M. DAVIS.

Mr. VAN VORHES introduced a bill (H. R. No. 1889) for the relief of Henry M. Davis, legal representative of the late Milton I. Davis, sergeant of the Ninth Regiment Ohio Volunteer Cavalry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### PETER M. WARD.

Mr. VAN VORHES also introduced a bill (H. R. No. 1890) for the relief of Peter M. Ward, late of Company E, Fourth West Virginia Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### JOHN M. ELDER.

Mr. MILLIKEN introduced a bill (H. R. No. 1891) for the relief of John M. Elder; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### NOAH W. JOHNSON.

Mr. MILLIKEN also introduced a bill (H. R. No. 1892) granting a pension to Noah W. Johnson, of Butler County, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### LIEUTENANT JOHN SCOTT.

Mr. DURHAM introduced a bill (H. R. No. 1893) for the relief of Lieutenant John Scott, of the Fourth United States Infantry; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

#### ROBERT HARRIS, SR.

Mr. DURHAM also introduced a bill (H. R. No. 1894) granting a pension to Robert Harris, sr., of Madison County, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### LESLIE COOMBS.

Mr. BLACKBURN introduced a bill (H. R. No. 1895) granting arrearage of pension to Leslie Coombs; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

#### BENJAMIN HICKEY.

Mr. McFARLAND introduced a bill (H. R. No. 1896) granting a pension to Benjamin Hickey, private of Company C, First Regiment of Tennessee Volunteer Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### CHARLOTTE M. GAYLOR.

Mr. YOUNG introduced a bill (H. R. No. 1897) for the relief of Charlotte M. Gaylor, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### WAGON-ROAD IN COLORADO TERRITORY.

Mr. YOUNG also introduced a bill (H. R. No. 1898) authorizing the construction of a wagon-road from Trinidad to Silatone, in the Territory of Colorado; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

#### EZEKIEL T. KEEL.

Mr. YOUNG also introduced a bill (H. R. No. 1899) for the relief of Ezekiel T. Keel, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### WILLIAM B. HAMLIN.

Mr. YOUNG also introduced a bill (H. R. No. 1900) for the relief of William B. Hamlin, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### MARTHA M. PARKER.

Mr. YOUNG also introduced a bill (H. R. No. 1901) for the relief of Martha M. Parker, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### EMMARILLA T. CARR.

Mr. YOUNG also introduced a bill (H. R. No. 1902) for the relief of Emmarilla T. Carr, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### WIDOW OF P. M. ARMSTRONG.

Mr. RIDDLE introduced a bill (H. R. No. 1903) for the relief of the widow of P. M. Armstrong, of Overton County, Tennessee; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

#### W. K. CARR AND ROBERT WIX.

Mr. RIDDLE also introduced a bill (H. R. No. 1904) for the relief of W. K. Carr and Robert Wix, of Macon County, Tennessee; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.



## EXPENSES OF COLLECTING CUSTOMS.

Mr. DIBRELL introduced a bill (H. R. No. 1905) to reduce the expenses of collecting customs; which was read a first and second time, referred to the Committee on Public Expenditures, and ordered to be printed.

## JOHN FLETCHER.

Mr. EVANS introduced a bill (H. R. No. 1906) for the relief of John Fletcher; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

## HENRY BROWN.

Mr. EDEN introduced a bill (H. R. No. 1907) granting a pension to Henry Brown, late a private in Company C, One hundred and twenty-third Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## TRUSSES FOR DISABLED SOLDIERS.

Mr. HARRISON introduced a bill (H. R. No. 1908) to amend an act entitled "An act to provide for furnishing trusses to disabled soldiers;" which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## JOHN W. CHICKERING.

Mr. HARRISON also introduced a bill (H. R. No. 1909) for the relief of John W. Chickering; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## LANDS TO CITY OF CHICAGO.

Mr. HARRISON also introduced a bill (H. R. No. 1910) to confirm to the city of Chicago the title to certain lands in Cook County, Illinois; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## MEMORY OF ABRAHAM LINCOLN.

Mr. FORT introduced a joint resolution (H. R. No. 61) declaring the 12th day of February, the birthday of Abraham Lincoln, to be a national holiday, and that on the 14th day of April, the day on which Abraham Lincoln was killed, the national flag shall float at half-mast; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## PATENTS AND COPYRIGHTS.

Mr. HURLBUT introduced a bill (H. R. No. 1911) to amend sections 4919 and 4921 of the Revised Statutes, chapter 70, entitled "Patents and copyrights;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## MEDICAL CORPS OF THE ARMY.

Mr. HURLBUT also introduced a bill (H. R. No. 1912) to reduce the number and increase the efficiency of the Medical Corps of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## LORENZO T. POTTER.

Mr. FARWELL introduced a bill (H. R. No. 1913) for the relief of the widow and heirs of Lorenzo T. Potter, deceased, late of Charleston, South Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## CAPTAIN GEORGE E. PINGREE.

Mr. HENDERSON introduced a bill (H. R. No. 1914) granting a pension to Captain George E. Pingree, from January 1, 1869, to April 2, 1872; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## STEAMBOAT ROBERT BASS.

Mr. HENDERSON also introduced a bill (H. R. No. 1915) to change the name of the steamboat Robert Bass; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

## PENSIONS TO SOLDIERS OF WAR OF 1812.

Mr. HARTZELL introduced a bill (H. R. No. 1916) to amend section 4736 and section 4738 of the Revised Statutes, granting pensions to the surviving officers and soldiers of the war of 1812, and to the surviving widows of deceased officers and soldiers of said war; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

## ESTATE OF LIEUTENANT JOSEPH WHEATON, DECEASED.

Mr. CAULFIELD introduced a bill (H. R. No. 1917) for the relief of the administratrix of the estate of Lieutenant Joseph Wheaton, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## FREDERICK P. SHERRY.

Mr. HATCHER introduced a bill (H. R. No. 1918) granting a pension to Frederick P. Sherry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## LEGAL-TENDER CURRENCY.

Mr. BLAND introduced a bill (H. R. No. 1919) to substitute legal-tender notes for national-bank notes, and to make duties on imports receivable one-half in legal-tender notes, and to repeal the resumption act of January 14, 1875, and for other purposes; which was read

a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

## MARTHA A. WILLIAMSON.

Mr. MORGAN introduced a bill (H. R. No. 1920) for the relief of Martha A. Williamson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## WASHINGTON CHANNEL OF POTOMAC RIVER.

Mr. BUCKNER introduced a bill (H. R. No. 1921) for the improvement of the Washington channel of the Potomac River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

## REAL-ESTATE RECORDS, DISTRICT OF COLUMBIA.

Mr. BUCKNER also introduced a bill (H. R. No. 1922) providing for the recording of deeds, mortgages, and other conveyances affecting real estate in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

## GOVERNMENT FOR INDIAN TERRITORY.

Mr. GAUSE introduced a bill (H. R. No. 1923) to provide a government for the Indian Territory; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

## BAPTIST CHURCH, HELENA, ARKANSAS.

Mr. GAUSE also introduced a bill (H. R. No. 1924) to compensate the Baptist church at Helena, Arkansas, for destruction of its building during the war by the Federal Army; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## VINCENT TAPP.

Mr. GAUSE also introduced a bill (H. R. No. 1925) for the relief of Vincent Tapp, of Helena, Arkansas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## PUBLIC BUILDINGS, PRAIRIE COUNTY, ARKANSAS.

Mr. GAUSE also introduced a bill (H. R. No. 1926) to indemnify Prairie County, Arkansas, for the destruction of public buildings during the war by the Federal Army; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## MARY E. WHITEHEAD.

Mr. GAUSE also introduced a bill (H. R. No. 1927) for the relief of Mary E. Whitehead, of Helena, Phillips County, Arkansas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## ELIAS B. MOORE.

Mr. GUNTER introduced a bill (H. R. No. 1928) for the relief of Elias B. Moore; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

## ALMIRA COOLEY.

Mr. DURAND introduced a bill (H. R. No. 1929) for the relief of Almira Cooley, of Flint, Michigan; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## LEVINA CARR, MICHIGAN.

Mr. DURAND also introduced a bill (H. R. No. 1930) for the relief of Levina Carr, of Farmington, Michigan; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## JOHN J. PARTILLO.

Mr. BRADLEY introduced a bill (H. R. No. 1931) granting a pension to John J. Partillo, of Gratiot County, Michigan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## IMPROVEMENT OF MANISTEE HARBOR, MICHIGAN.

Mr. HUBBELL introduced a bill (H. R. No. 1932) to appropriate money for continuing the improvement of the harbor at Manistee, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

## IMPROVEMENT OF LUDINGTON HARBOR, MICHIGAN.

Mr. HUBBELL also introduced a bill (H. R. No. 1933) to appropriate money for continuing the improvement of the harbor at Ludington, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

## IMPROVEMENT OF PENTWATER HARBOR, MICHIGAN.

Mr. HUBBELL also introduced a bill (H. R. No. 1934) to appropriate money for continuing the improvement of the harbor at Pentwater, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

## LIGHT-STATION, BELLE ISLE, DETROIT RIVER, MICHIGAN.

Mr. A. S. WILLIAMS introduced a bill (H. R. No. 1935) to authorize the construction of a light-station on the northern point of Belle Isle, Detroit River, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

## JOHN HALEY.

Mr. A. S. WILLIAMS also introduced a bill (H. R. No. 1936) granting a pension to John Haley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## RANK AND PAY OF RETIRED ARMY OFFICERS.

Mr. A. S. WILLIAMS also introduced a bill (H. R. No. 1937) to repeal section 2 of an act for the relief of General Samuel W. Crawford, and to fix the rank and pay of retired officers of the Army, approved March 3, 1875; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## THOMAS J. SPENCER.

Mr. A. S. WILLIAMS also introduced a bill (H. R. No. 1938) to restore the name of Thomas J. Spencer, late first lieutenant Tenth United States Cavalry, to his former rank in the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## SARAH EMMONS.

Mr. W. B. WILLIAMS introduced a bill (H. R. No. 1939) granting a pension to Sarah Emmons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## REMOVAL OF CAUSES FROM STATE COURTS.

Mr. W. B. WILLIAMS also introduced a bill (H. R. No. 1940) to amend an act entitled "An act 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," approved March 3, 1875; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## DAVID A. MARTIN.

Mr. WALLS introduced a bill (H. R. No. 1941) to allow David A. Martin to appear before the Court of Claims as therein provided; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

## IMPROVEMENT OF THE NAVIGATION OF THE UPPER MISSISSIPPI.

Mr. PRATT presented a memorial and joint resolution of the General Assembly of Iowa, in reference to the improvement of the navigation of the Upper Mississippi; which was referred to the Committee on Commerce, and ordered to be printed.

## SETTLEMENT OF OFFICERS' ACCOUNTS.

Mr. OLIVER introduced a bill (H. R. No. 1942) to re-enact and continue in force the act of January 23, 1870, entitled "An act to authorize the settlement of the accounts of officers of the Army and Navy;" which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## DURATION OF PATENTS.

Mr. OLIVER also introduced a bill (H. R. No. 1943) limiting the duration of patents; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

## NIRAN W. PRATT.

Mr. OLIVER also introduced a bill (H. R. No. 1944) granting a pension to Niran W. Pratt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## AMENDMENT TO THE CONSTITUTION.

Mr. OLIVER also introduced a joint resolution (H. R. No. 62) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## FILING OF JUDGMENTS, UNITED STATES COURTS.

Mr. TUFTS introduced a bill (H. R. No. 1945) providing for the filing of judgments obtained in United States courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## EXPIRATION OF THE MORNING HOUR.

Mr. KASSON. I rise to inquire whether the morning hour has not expired?

The SPEAKER *pro tempore*. (Mr. BLACKBURN in the chair.) The morning hour has just expired.

Mr. RANDALL. Was there not an understanding that this call for bills and resolutions should go entirely through the States, regardless of the morning hour?

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Pennsylvania that not being here at the time he is not able to answer the question as to whether an agreement was entered into by which this call should continue until the list of States and Territories was completed.

Mr. KASSON. I believe there was no agreement to-day.

Mr. HOLMAN. I trust there will be unanimous consent to make the order now that the call of States and Territories be continued until it is completed.

Mr. KASSON. I must ask the consideration of my resolution.

The SPEAKER *pro tempore*. Does the gentleman from Iowa object to the call of States and Territories being completed by unanimous consent?

Mr. KASSON. I object, unless I have unanimous consent after it is completed to offer my resolution.

Mr. GARFIELD. That will be granted, I presume.

Mr. KASSON. Then I withdraw my objection, on the understanding that I shall be at liberty to offer this resolution on the completion of the call of States and Territories.

## ANNIE MORRIS.

Mr. KIMBALL introduced a bill (H. R. No. 1946) granting a pension to Annie Morris; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

## GRANT OF LAND TO STEVENS POINT, WISCONSIN.

Mr. CATE introduced a bill (H. R. No. 1947) granting to the city of Stevens Point, Wisconsin, a certain piece of land; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

## CORRESPONDENCE BY TELEGRAPH.

Mr. LUTTRELL (by request) introduced a bill (H. R. No. 1948) to provide for the transmission of correspondence by telegraph; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

## NICHOLAS MARQUEZ.

Mr. LUTTRELL also introduced a bill (H. R. No. 1949) for the relief of Nicholas Marquez; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

## FORT READING MILITARY RESERVATION.

Mr. LUTTRELL also introduced a bill (H. R. No. 1950) declaring the lands constituting the Fort Reading military reservation in Shasta County, California, subject to pre-emption and homestead entry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## THOMAS J. SHERWOOD.

Mr. LUTTRELL also introduced a bill (H. R. No. 1951) for the relief of Thomas J. Sherwood, late postmaster at Marysville, California; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

## N. J. COFFIN.

Mr. LUTTRELL also introduced a bill (H. R. No. 1952) granting a pension to Nathaniel Johnson Coffin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## PORTS OF SAINT PAUL AND DU LUTH.

Mr. STRAIT presented a joint resolution of the Legislature of the State of Minnesota, requesting the same modifications of the laws of the United States for Saint Paul and Du Luth as are now extended to other ports in various States; which was referred to the Committee on Commerce, and ordered to be printed.

## MAIL-ROUTE IN MINNESOTA.

Mr. STRAIT also presented a joint resolution of the State of Minnesota, asking that a mail-route be established from Hastings, in the county of Dakota, to Cannon Falls, in the county of Goodhue; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

## ALFRED MÜLLER.

Mr. STRAIT also introduced a bill (H. R. No. 1953) for the relief of Alfred Müller, late acting assistant surgeon in the United States Army; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

## CHARLES THIMONS.

Mr. STRAIT also introduced a bill (H. R. No. 1954) for the relief of Charles Thimons, late mate of the steamer New Iago; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

## IMPROVEMENT OF MINNESOTA RIVER.

Mr. STRAIT also introduced a bill (H. R. No. 1955) to provide for the improvement of the Minnesota River by the construction of a lock and dam at the Little Rapids on said river; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

## HENRY D. O'BRIEN.

Mr. KING introduced a bill (H. R. No. 1956) for the relief of Henry D. O'Brien, late postmaster at Saint Anthony's Falls, Minnesota; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

## RIGHTS OF SETTLERS.

Mr. GOODIN introduced a bill (H. R. No. 1957) defining the rights of settlers on the public lands; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

## WILLIAM O. REDDEN.

Mr. BROWN, of Kansas, introduced a bill (H. R. No. 1958) for the relief of William O. Redden, late colonel of the Third Regiment of Delaware Infantry Volunteers; which was read a first and second



time, referred to the Committee on War Claims, and ordered to be printed.

#### SETTLERS ON THE KANSAS INDIAN RESERVATIONS.

Mr. BROWN, of Kansas, also introduced a bill (H. R. No. 1959) for the relief of certain settlers on the Kansas Indian reservations in Kansas; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

#### IMPROVEMENT OF THE MINT AT CARSON CITY.

Mr. WOODBURN introduced a bill (H. R. No. 1960) to provide for the improvement of the mint at Carson City, Nevada; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. CROUNSE introduced a bill (H. R. No. 1961) to construe and declare the meaning of a part of section 20 of an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraphic line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal and military and other purposes,' approved July 1, 1862, and approved July 2, 1864," which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### PUBLIC LANDS IN NEBRASKA.

Mr. CROUNSE also introduced a bill (H. R. No. 1962) to confirm certain school-indemnity selections of public lands in the State of Nebraska; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

#### QUALIFICATIONS OF SURVEYORS-GENERAL.

Mr. PATTERSON introduced a bill (H. R. No. 1963) defining the qualifications of surveyors-general to be hereafter appointed; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

#### PATENTS FOR MINERAL LANDS.

Mr. PATTERSON also introduced a bill (H. R. No. 1964) to enable one or more joint owners of mineral lands to obtain patents therefor; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

#### ROCKY MOUNTAIN LOCUSTS.

Mr. PATTERSON also introduced a bill (H. R. No. 1965) to provide for an investigation as to the habits of the Rocky Mountain locusts, or so-called grasshoppers, and as to the best methods for preventing the incursions and ravages of the same; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

#### ACT OF LEGISLATIVE ASSEMBLY OF COLORADO TERRITORY.

Mr. PATTERSON also introduced a bill (H. R. No. 1966) approving an act of the Legislative Assembly of Colorado Territory; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

#### ROBERT B. SMOCK.

Mr. PATTERSON also introduced a bill (H. R. No. 1967) for the relief of Robert B. Smock, of Central Colorado, for the boarding of recruits for the United States military service; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

#### NEW TERRITORY.

Mr. KIDDER presented a memorial of the Legislature of Dakota, asking the organization of a new Territory out of the northern portion of Dakota; which was referred to the Committee on the Territories, and ordered to be printed.

#### CAPITOL BUILDINGS IN ARIZONA.

Mr. STEVENS introduced a bill (H. R. No. 1968) appropriating money to erect capitol buildings in the Territory of Arizona; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

#### PENITENTIARY IN ARIZONA.

Mr. STEVENS also introduced a bill (H. R. No. 1969) to appropriate money for the building of a penitentiary in the Territory of Arizona; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

#### APPROVAL OF BILLS IN ARIZONA.

Mr. STEVENS also introduced a bill (H. R. No. 1970) relating to the approval of bills in the Territory of Arizona; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### AMENDMENT OF REVISED STATUTES.

Mr. BENNETT introduced a bill (H. R. No. 1971) to amend section 4736 of the Revised Statutes of the United States, regulating pensions of soldiers of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

#### PENITENTIARY AT BOISE CITY, IDAHO.

Mr. BENNETT also introduced a bill (H. R. No. 1972) to authorize the construction of an inclosure around the United States penitentiary at Boise City, in the Territory of Idaho; which was read a first and

second time, referred to the Committee on the Territories, and ordered to be printed.

#### PENITENTIARY IN THE TERRITORY OF WYOMING.

Mr. STEELE introduced a bill (H. R. No. 1973) making appropriation for continuing the erection of a penitentiary building in the Territory of Wyoming; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

#### IMPROVEMENT OF MOUTH OF MISSISSIPPI.

Mr. BANKS (by request) introduced a bill (H. R. No. 1974) for deepening the bar at the Pass à l'Ouvre of the mouth of the Mississippi River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### OATH OF OFFICE.

Mr. LAWRENCE introduced a bill (H. R. No. 1975) prescribing an oath of office; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### INJURIES RESULTING FROM SALE OF INTOXICATING LIQUORS.

Mr. LAWRENCE also introduced a bill (H. R. No. 1976) to give a right of action for injuries resulting from the sale of intoxicating liquors; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### JAMES CLIFFORD.

Mr. COCHRANE. I am directed by the Committee on Expenditures in the Department of Justice to report back House bill No. 551 for the relief of James Clifford, of Arkansas, and move that the committee be discharged from its further consideration, and that it be referred to the Committee of Claims.

The motion was agreed to.

#### ORDER OF BUSINESS.

Mr. KASSON. I rise to offer some resolutions, and to move a suspension of the rules thereon.

Mr. HOLMAN. Before that is done, I wish to introduce bills for reference at this time.

The SPEAKER. Several gentlemen who were not in their seats when their States were called desire to introduce bills for reference.

Mr. KASSON. I will yield for that purpose.

#### FRANCIS ARMSTRONG.

Mr. HOLMAN (by request) introduced a bill (H. R. No. 1977) for the relief of Francis Armstrong; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### WILLIAM COOK.

Mr. CASON introduced a bill (H. R. No. 1978) granting a pension to William Cook, of Boone County, Indiana; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### WILLIAM DAVENPORT.

Mr. CASON also introduced a bill (H. R. No. 1979) for the relief of William Davenport, of Zionsville, Indiana; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

#### CATHERINE CARNEY.

Mr. CASON also introduced a bill (H. R. No. 1980) granting a pension to Catherine Carney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### GEORGE W. GIBSON.

Mr. CASON also introduced a bill (H. R. No. 1981) granting an increase of pension to George W. Gibson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### JOHN DALTON.

Mr. CASON also introduced a bill (H. R. No. 1982) granting a pension to John Dalton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### ENNOLDS LLOYD.

Mr. CASON also introduced a bill (H. R. No. 1983) granting a pension to Ennolds Lloyd, of Crawfordsville, Indiana; which was read a first and second time, and referred to the Committee on Invalid Pensions, and ordered to be printed.

#### SALE OF LANDS IN KANSAS.

Mr. BROWN, of Kansas, introduced a bill (H. R. No. 1984) to provide for the sale of certain lands in Kansas; which was read a first and second time, and referred to the Committee on Public Lands, and ordered to be printed.

#### REPRINTING TARIFF BILL.

Mr. MORRISON. I move that House bill No. 1711, to reduce and simplify existing laws imposing duties on imports and to reduce taxation be reprinted for the use of the House, the number already printed having been exhausted.

There was no objection, and it was so ordered.

#### MARY E. CAMPBELL.

Mr. BRIGHT introduced a bill (H. R. No. 1985) granting a pension

to Mary E. Campbell; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

#### JAPANESE INDEMNITY FUND.

Mr. COX presented resolutions of the Chamber of Commerce of the city of New York and the report of the committee on the Japanese indemnity fund; which was referred to the Committee on Foreign Affairs.

#### ASA O. GALLUP.

Mr. BAKER, of Indiana, introduced a bill (H. R. No. 1986) for the relief of the heirs of Asa O. Gallup; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### CURRENCY AND SPECIE PAYMENTS.

Mr. KASSON. I move that the rules be so suspended that the House may be brought to a separate vote upon the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

*Resolved*, That the constitutional authority of Congress to "coin money, regulate the value thereof and of foreign coin" does not include the authority to issue the paper of the Government as money; and in the judgment of this House the Constitution nowhere confers upon Congress the power to issue in time of peace the promises or obligations of the Government as a legal tender in payment of debts.

*Resolved*, That any legislation touching the legal-tender currency of the Government should keep steadily in view the resumption of specie payments and should tend to enhance the value of that currency, for the redemption of which the faith of the United States has been pledged to its citizens.

Mr. KASSON. My motion is that the House suspend the rules so as to proceed to vote separately upon the two resolutions.

Mr. HOLMAN. I was about to suggest that the proposition ought to be divided.

Mr. COX. This very important subject is now being considered by the Committee on Banking and Currency. I hope these resolutions will be referred to that committee.

The SPEAKER. The motion, as the Chair understands, is that the rules be suspended and that these two resolutions be agreed to by separate votes.

Mr. KASSON. It is that the rules be so suspended that the House proceed to vote separately upon the two resolutions.

Mr. COX. I hope the House will refuse to suspend the rules. Let the resolutions go to the appropriate committee.

Mr. PAGE. I object to debate.

Mr. FORT. We ought to have the opinion of the Judiciary Committee on this question.

Mr. KASSON. I must object to debate, and call for the regular order.

Mr. SOUTHARD. In view of the recent decision of the Supreme Court, I would like to ask the gentleman from Iowa [Mr. KASSON] whether his resolution is not an implied censure upon that court?

The SPEAKER. Debate is not in order.

Mr. HOLMAN. I call for the yeas and nays on the motion to suspend the rules.

Mr. KASSON. I second the call for the yeas and nays.

The SPEAKER. The first question is, Will the House so suspend the rules as that thereafter separate votes shall be taken on the pending resolutions?

Mr. RANDALL. Then the only question now is on suspending the rules to have afterward a separate vote on the two resolutions?

The SPEAKER. The first question is on the motion to suspend the rules so as to bring these two resolutions before the House, that separate votes may be taken thereon. The suspension is not exhausted upon the first vote. Are the yeas and nays demanded?

Mr. HOLMAN. With the proposition in that shape, I do not ask for the yeas and nays.

Mr. HUBBELL and Mr. KELLEY called for the yeas and nays.

The yeas and nays were ordered.

Mr. COX. I rise to a point of order. I understand that the present vote does not go to the merits of the question.

Mr. KASSON. If this vote be in the negative, it will be a rejection of the resolutions.

Mr. COX. Not a bit of it.

Mr. RANDALL. The subject will be left to the consideration of the appropriate committee.

The question was taken; and there were yeas—97, nays 146, not voting 46; as follows:

YEAS—Messrs. Adams, Bagby, George A. Bagley, John H. Baker, William H. Baker, Ballou, Bell, Blaine, Blair, Bradley, Horatio C. Burchard, Burleigh, Cannon, Chittenden, Conger, Crapo, Darrall, Davy, Denison, Dunnell, Durand, Eames, Farwell, Fort, Foster, Frost, Frye, Garfield, Hale, Robert Hamilton, Haralson, Hardenbergh, Benjamin W. Harris, Hathorn, Hendee, Henderson, Hoar, Hoge, Hoskins, Hubbell, Hurlbut, Joyce, Kasson, Kehr, Ketchum, Kimball, Lapham, Lawrence Leavenworth, Luntrell, Lynch, Magoon, MacDougall, McCrary, McGill, Miller Monroe, Nash, Norton, Oliver, O'Neill, Packer, Page, Pierce, Plaisted, Platt, Potter, Powell, Pratt, Rainey, Sobieski Ross, Rusk, Sampson, Seelye, Sinnickson, A. Herr Smith, Strait, Stowell, Teese, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Waldron, Alexander S. Wallace, John W. Wallace, Walls, Wheeler, White, Whiting, Willard, Charles G. Williams, Willis, James Wilson, Alan Wood, Jr., and Woodburn—97.

NAYS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Banning, Barnum, Beebe, Blackburn, Bland, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, John H. Caldwell, William P. Caldwell, Campbell, Candler Cason, Cate, Canfield, John B. Clarke of Kentucky, John B. Clark, Jr., of Missouri Clymer, Cochrane, Collins, Cowan, Cox, Crounse, Culbertson, Cutler, De Bolt, Dibrell Douglas, Durham, Eden, Evans, Faulkner, Felton, Forney, Franklin, Fuller, Gause,

Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Hancock, Henry R. Harris, Harrison, Hartzell, Hatcher, Haymond, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hopkins, House, Hunter, Hunton, Hyman, Thomas L. Jones, Kelley, Knott, Franklin Landers, Levy, Lewis, Lord, Lynde, Levi A. Mackey, Maish, McFarland, McMahon, Metcalfe, Milliken, Mills, Money, Morgan, Morrison, Mutchler, Neal, New, O'Brien, Parsons, Payne, Phelps, John F. Phillips, William A. Phillips, Piper, Poppleton, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Robinson, Miles Ross, Savage, Sayler, Scales, Sheakley, Singleton, Slemmons, William E. Smith, Southard, Sparks, Springer, Stenger, Stevenson, Swann, Tarbox, Terry, Thompson, Thomas, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Charles C. B. Walker, Walling, Warren, Erastus Wells, Whitehouse, Wike, Andrew Williams, Alphens S. Williams, James D. Williams, Jeremiah N. Williams, Wilshire, Benjamin Wilson, Fernando Wood, Woodworth, Yeates, and Young—146.

NOT VOTING—Messrs. John H. Bagley, Jr., Banks, Bass, Bliss, William R. Brown, Cabell, Caswell, Chapin, Cook, Danford, Davis, Dobbins, Egbert, Ellis, Ely, Freeman, Gibson, John T. Harris, Hartridge, Hays, Henkle, Hurd, Jenks, Frank Jones, King, Lamar, George M. Landers, Lane, Edmund W. M. Mackey, Meade, Morey, Odell, Purman, Roberts, Schleicher, Schumaker, Smalls, Stone, Gilbert C. Walker, Walsh, Ward, G. Wiley Wells, Whitthorne, Wigginton, James Williams, and William B. Williams—46.

So (two-thirds not having voted in favor thereof) the rules were not suspended.

During the vote,

Mr. HUNTON said that his colleague [Mr. CABELL] had been called home by sickness in his family.

Mr. SCALES stated that his colleague, [Mr. DAVIS,] who was absent by leave of the House, would, if present, have voted in the negative.

The vote was then announced as above recorded.

Mr. COX. If the gentleman from Iowa will agree to the reference of his resolution, I will move that it be referred either to the Committee of Ways and Means or to his own committee.

Mr. KASSON. I will be glad to have it referred to the gentleman's committee.

Objection was made.

#### MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. SYMPSON, one of its clerks, notifying the House that that body had passed a bill (H. R. No. 1053) providing for the payment of judgments rendered under section 11 of chapter 459 of the laws of the Forty-third Congress, with amendments, in which the concurrence of the House was requested.

#### ENROLLED BILLS.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (S. No. 62) to authorize George P. Marsh to accept a certain present from the government of Switzerland and a certain present from the government of Italy; when the Speaker signed the same.

#### 3.65 BONDS.

Mr. BUCKNER. Mr. Speaker, I am instructed by the Committee for the District of Columbia to report back joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said commissioners, and for other purposes, with the recommendation that the amendments of the Senate be non-concurred in and the House ask for a committee of conference on the disagreeing votes of the two Houses.

Mr. BRIGHT. Let the amendments of the Senate be read.

The SPEAKER. There being no objection, the report will be received and the joint resolution as well as the Senate amendments will be read.

The joint resolution was read, as follows:

That the commissioners of the District of Columbia are hereby directed to transfer to the Treasurer of the United States, for the payment of the interest due the 1st of February, 1876, on the bonds of said District, issued under the provisions of the act of Congress approved June 20, 1874, entitled "An act for the government of the District of Columbia, and for other purposes," the sum necessary to pay the same from any unexpended appropriations heretofore made by Congress, or from any revenues derived by taxation on the property of said District of Columbia, subject to the requisition of said commissioners, excluding funds raised for the support of public schools: *Provided*, That any further issue of 3.65 bonds is hereby prohibited: *And provided further*, That nothing in this resolution contained shall involve the Government of the United States in any obligation to pay principal or interest of any such bonds which have been issued contrary to or not in pursuance of law.

The amendments of the Senate were read, as follows:

Strike out after the word "school," in line 15 to the end of the resolution, these words:

*Provided*, That any further issue of 3.65 bonds is hereby prohibited: *And provided further*, That nothing in this resolution contained shall involve the Government of the United States in any obligation to pay principal or interest of any such bonds which have been issued contrary to or not in pursuance of law.

And in lieu thereof insert:

That any further issue of 3.65 bonds under or by virtue of said act of Congress approved June 20, 1874, is hereby prohibited: *And provided*, That the certificates heretofore issued by the board of audit, including those converted into 3.65 per cent. bonds and those which have not been so converted, and the certificates hereafter to be issued by the board of audit or their successors in office, shall not exceed in the aggregate, \$5,000,000.

Add the following section to the resolution:

SEC. 2. That there shall be no increase of the present amount of the total indebtedness of the District of Columbia, and any officer or person who shall knowingly increase or aid or abet in increasing such total indebtedness shall be deemed guilty of a high misdemeanor, and on conviction thereof shall be punished by imprisonment not exceeding ten years and by fine not exceeding \$10,000: *Provided*, That the board of audit created by the act for the government of the District of Columbia approved June 20, 1874, is hereby abolished, and shall immediately upon the approval of this resolution transmit all the books and property in their



possession belonging to the District to the commissioners of the District of Columbia, and make a report of their proceedings not hitherto made.

And provided further, That this resolution shall not in any way or manner recognize the liability of the United States to pay either the principal or interest of any of such bonds as may have been issued on or since the 27th day of January, 1876.

Mr. BUCKNER. In accordance with the recommendation of the Committee for the District of Columbia, I move the amendments of the Senate be disagreed to and the House ask for a committee of conference on the disagreeing votes of the two Houses on said joint resolution.

The motion was agreed to.

The SPEAKER. The Chair announces as the committee of conference on the part of the House Mr. BUCKNER, Mr. CATE, and Mr. WILLARD.

#### GOVERNMENT HOSPITAL FOR THE INSANE, ETC.

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

*Resolved*, That the Committee for the District of Columbia be, and is hereby, instructed to examine into the expenditures and management, since the year 1862, of the Government Hospital for the Insane, the Deaf and Dumb Institute, and also the expenditures and management, since the respective dates of their creation, of the Columbia Hospital for Women, the board of health of the District of Columbia, the Reform School, and the Freedmen's Hospital, for all of which institutions annual appropriations have been made by Congress, and report to this body the total amount of expenditures for each institution up to the present time and the actual annual cost to the Government of each inmate or patient in said institutions, together with the number of all persons (other than laborers) employed therein and the salary received by each employee; and the committee be empowered to send for such persons and papers as they may deem necessary.

#### COMMITTEE APPOINTMENTS.

The SPEAKER. The Chair desires to say to the House that the gentleman from Iowa [Mr. McCrary] asks to be excused from further service on the Committee for the District of Columbia, because his labors on the other committee of which he is a member are so great as to leave him insufficient time to attend to those of the latter committee. Is there any objection to his being excused?

There was no objection, and he was excused accordingly.

The SPEAKER. The Chair appoints the gentleman from Massachusetts [Mr. Hoar] to the vacancy in the Committee on the Judiciary, caused by the death of the late Mr. Starkweather, of Connecticut.

The gentleman from Massachusetts [Mr. Hoar] asks to be excused from further service on the Committee of Elections, of which he is now a member.

There was no objection, and he was excused accordingly.

The SPEAKER. The Chair appoints to the place thus made vacant on the Committee of Elections Mr. Townsend, of New York. He appoints to the place just made vacant in the Committee for the District of Columbia Mr. Crafo, of Massachusetts.

#### ORDER OF BUSINESS.

Mr. RANDALL. I now move that the rules be suspended and the House resolve itself into the Committee of the Whole on the state of the Union, to proceed with the consideration of the consular and diplomatic appropriation bill.

Mr. PIERCE. I ask the gentleman to yield to me to offer a resolution.

Mr. BRIGHT. I demand the regular order of business.

Mr. PIERCE. I hope not; the gentleman from Pennsylvania has already yielded to me.

Mr. RANDALL. I am willing to yield to the gentleman, but the demand for the regular order of business is an objection.

Mr. BRIGHT. I withdraw it.

#### EMMA MINE AND MACHADO CLAIM.

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

*Resolved*, That the Committee on Foreign Affairs be instructed to ascertain and report what action, if any, has been taken by the executive department of the Government in relation to the connection of the United States minister at the Court of St. James with the directory of the Emma mine, so called, and also with the prosecution of the Machado claim against the British government; and that said committee be authorized to request the Secretary of State to furnish this House such information and correspondence upon the subject as may not be incompatible with the public interest.

#### LATE J. W. HEAD AND S. M. FITE.

Mr. RIDDLE. I ask unanimous consent to offer the resolution which I send to the desk.

The Clerk read as follows:

*Resolved*, That the Committee on Appropriations be directed to insert the following item in the bill making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1877:

To enable the Clerk of the House of Representatives to pay to the widows of John W. Head and Samuel M. Fite, late members-elect of this House from the fourth district of Tennessee, a sum each equal to the salary of a member of Congress for three months, being \$1,250 to each of said widows.

Mr. RIDDLE. The gentlemen whose names appear in the resolution were elected to represent the fourth congressional district of Tennessee in the present Congress. John W. Head died a few days after his election. Samuel M. Fite was elected the 31st December, 1874, and died the 23d October, 1875. Neither lived to take his seat. It is an event unparalleled in the history of this Government. I believe it is usual to agree to resolutions of this character, and I think

the extraordinary circumstances of this case justify the adoption of this resolution without objection by any member of this House.

There was no objection, and the resolution was adopted.

#### THE LATE HON. JAMES BUFFINTON.

Mr. FORT, by unanimous consent, submitted the following preamble and resolution; which were read, considered, and agreed to:

Whereas Hon. James Buffinton, a member-elect to this Congress from the first district of the State of Massachusetts, died on the 7th day of March, 1875, after a service of many years in this House, leaving a widow and children surviving; and whereas Hon. WILLIAM W. CRAFO, who was elected to fill the vacancy in said district, has voluntarily covered into the Treasury his pay from the 8th day of March to the 2d day of November last, amounting to \$3,136.98: Therefore,

*Resolved*, That the Committee on Appropriations be instructed to provide in the miscellaneous appropriation bill to pay to Mrs. Sarah Buffinton, widow of the said James Buffinton, deceased, \$1,876.71, which, with the three month's pay allowed the said widow by existing law, amounts to the sum which was covered into the Treasury by said sitting member.

#### PRINTING OF UNITED STATES BONDS, ETC.

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

*Resolved*, That the Committee on Expenditures in the Treasury Department be, and they are hereby, instructed to make a careful and minute examination of the method adopted by the Treasury Department to print the bonds, notes, and securities of the United States; what guards have been adopted to prevent frauds or mistakes; whether there has been any fraudulent issue of notes, bonds, or coupons, and, if so, by whose fault or negligence, and the proper remedy and prevention thereof; and especially to examine the official conduct of those charged with the printing, registering, and issue of any notes, bonds, or securities of the United States; and that said committee have power to send for persons and papers, to examine the same, to take testimony, to employ an expert, whose compensation shall be fixed by the Committee on Accounts, and leave to sit during the sessions of the House.

#### MAIL CONTRACTORS IN SOUTHERN STATES.

Mr. THROCKMORTON. I move that the rules be suspended and the following resolution adopted:

*Resolved*, That the Postmaster-General be respectfully requested to furnish the House of Representatives with a statement showing the amount due contractors for carrying the United States mails in Southern States at the beginning of the civil war, and which has not been paid in consequence of such contractors being unable to take the oath required by law.

Mr. GARFIELD. Will the gentleman from Texas allow me to say that that very information was obtained near the close of the last Congress, and was in the Committee on Appropriations when we adjourned. It was all there, accompanied by a letter from the Post-Office Department.

Mr. THROCKMORTON. If the information is already there, I will avail myself of it. Meanwhile I withdraw the resolution.

#### NEW YORK POST-OFFICE.

Mr. METCALFE, by unanimous consent, submitted the following resolution; which was referred to the Committee on Expenditures on Public Buildings:

*Resolved*, That the Committee on Expenditures on Public Buildings be authorized to inquire into the amounts of money expended for the erection and completion of the New York post-office, and for this purpose they are authorized to employ a clerk, at a salary of not more than five dollars per day, and to send for persons and papers, administer oaths, and do all other needful and necessary acts.

#### DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. RANDALL. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the diplomatic and consular appropriation bill. And in this connection I wish to say that the committee desire that to-day shall be occupied with general debate on this bill, and that to-morrow we shall make an effort to consider the bill under the five-minute rule for amendment.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. Hoskins in the chair) and resumed the consideration of the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes.

Mr. HOLMAN. Mr. Chairman, I shall confine myself to the consideration of but a few questions in connection with this bill, and those of a very general character.

It is impossible at this time to approach any bill appropriating money without considering in some degree at least the present condition of public affairs and the extent to which efforts should be made to reduce the expenditures of the Government. A very great statesman, who had spent a long life-time in the public service, Thomas H. Benton, in speaking near the close of his career of the growth of our Federal expenditures at the time when the expenditures of the Government had reached about \$60,000,000, uses the following language, which I quote from the great work of his later years:

At the same time it is the opinion of this writer that a practical man, acquainted with the objects for which the Federal Government was created and familiar with its financial working from the time our fathers put it into operation, could take his pen and cross out nearly the one-half of these sixty-odd millions, and leave the Government in full vigor for all its proper objects, and more pure by reducing the number of those who live upon the substance of the people.

Since that was written the ordinary expenditures of this Government have expanded beyond \$60,000,000 per annum and reached the present more enormous sum of \$179,166,209.90 for the ordinary administration of our public affairs, independent of the public debt.

This capital, sir, is not the best point perhaps for deliberation upon the subjects that closely concern the industries of our people and the

weight that rests upon them. We are here in the midst of a city where vast expenditures of money are made by the Government in countless forms, and the depression and stagnation of business in every field of industry, the want and destitution of multitudes of laboring-men unable to keep the wolf from the door because labor cannot find employment, the actual suffering among our people for want of food and raiment, are less prominent in this capital than perhaps anywhere else. And for that reason it is well to consider the expression of opinion which comes up to us daily through the public press as indicating the judgment of the country upon the absolute necessity of severe and positive retrenchment in expenditures of Government. We are assured, sir, that the people are absolutely unable to meet the present burden of taxation. The gentleman from Maine, [Mr. HALE,] in discussing the Military Academy bill, spoke very well and clearly of the retrenchment which have been made during the last two years. And he remarked cautiously—and his experience is such as justifies confidence in his opinion—that still further retrenchment might be made. And yet I think the honorable gentleman was rather too cautious and inclined to place too much stress upon the assumption that further retrenchment would be found more difficult as the field for

retrenchment had been already severely gleaned, for in fact no discretion is left us. We must reduce the burdens that rest upon the country. We must reduce the expenditures heavily, and we can without impairing the efficiency of any function of government. I speak in moderation when I say that our form of government is in peril. Without reference to the public debt or those expenditures which inevitably resulted from the war, excepting the pension list, the cost of government is alarming. In the years 1860 and 1861, the first years of Mr. Lincoln's administration, the appropriations reached little beyond \$62,000,000. In 1869 and 1870, with the Army and Navy larger than they now are, the expenditures of the Government had been reduced to \$164,658,273.84, and in 1871-'72 they were reduced to \$153,037,346.15; and yet, instead of a continued reduction, as the country justly expected, for the present fiscal year the appropriations reach \$179,166,209.90. The highest point reached since 1869 was in 1873-'74, when the enormous sum of \$194,217,210.27 was expended. I append the table of the expenditures, including 1860-'61 and omitting the years of the war and the years immediately succeeding, that the expenditures in times of peace may be compared with those expenditures, including pensions but excluding the public debt:

*Expenditures for the year 1860-'61 and from 1869-'70 to 1875-'76.*

Years.	Civil list.	Foreign inter- course.	Miscellaneous.	Military serv- ice.	Pensions.	Indians.	Naval estab- lishment.	Net ordinary expenditures.
1860-'61.....	\$6,074,041 83	\$1,147,786 91	\$16,026,524 79	\$23,001,530 67	\$1,034,599 73	\$2,865,481 17	\$12,387,156 52	\$62,537,221 62
1869-'70.....	15,867,336 32	1,491,214 53	36,084,808 87	57,615,801 87	28,402,241 20	3,410,279 41	21,786,591 64	164,658,273 84
1871-'72.....	13,750,014 43	1,591,046 01	40,652,640 21	35,830,119 43	34,444,753 04	7,425,060 73	19,447,767 23	158,141,301 08
1873-'74.....	16,085,682 35	1,838,389 45	42,935,460 08	35,347,494 53	28,533,402 76	7,057,887 05	21,239,030 93	153,037,346 15
1875-'76.....	19,286,741 06	1,571,685 53	52,300,043 84	46,128,084 68	29,359,450 68	7,937,429 65	23,536,535 90	180,229,971 32
1873-'74.....	17,646,253 38	1,522,570 23	66,024,307 23	42,459,985 79	29,038,411 56	6,692,562 06	30,933,120 02	194,217,210 27
1874-'75.....	17,346,929 53	3,195,237 23	50,528,536 22	41,120,645 98	29,456,216 22	8,384,656 82	21,497,626 27	171,529,848 27

Appropriations for 1875-'76, \$179,166,209.90.

In 1871-'72 the expenditures were, as I have said, reduced to \$153,037,346.15, but, unhappily, the appropriation for the present fiscal year reached \$179,166,209.90, and the estimates for the next year are \$180,516,972.76, so that it must be borne in mind that, after the reduction made under the influence of the public vigilance and pressure demanding economy, yet the appropriations for the present fiscal year, made by the last Congress, reached the sum I have named; and yet, Mr. Chairman, no gentleman can assert that the Government was more efficiently administered in 1873-'74, with over one hundred and ninety-four millions, than in 1871-'72, with little over one hundred and fifty-three millions. Mr. Benton was certainly right in his theory. In the meantime the capacity of the country to bear heavy taxation has been greatly diminished, for year by year oppressive taxation is exhausting the productive energies of the country.

Sir, we must resist this tendency to increase expenditures, go back along the track we have traveled. It is not now, as it has been at some periods, a matter which might or might not arrest the attention of members of the House. It comes in a form that Congress cannot evade. Through the unfortunate example of the General Government, throughout the country the local expenditures and indebtedness have reached an alarming magnitude. States, counties, townships, cities, towns, and villages have followed the perilous example until every industry staggers under the load of Federal and local taxation, and it is positively asserted that the aggregate taxation exceeds the products of the industries of the country. No nation can stand that. I do not assert that Congress is responsible for the general tendency to extravagance and profligate expenditure throughout the country in local government, but it must be admitted that the example set by the National Legislature has contributed largely to that unfortunate result, and a great example set by the Federal Government of severe frugality cannot fail to check the present fatal tendency, and it must be checked or universal bankruptcy and dishonor must follow. It was our boast through the first three-quarters of the first century of our Government that a republic was the most frugal, economical, and purest of governments, simplicity, frugality, and virtue its sure foundations. We are in peril that it shall be charged that a government of the people is liable to be more profligate of expenditure and the people more oppressed by taxation than in governments where the people are not the masters. Will any representative of the people consent that that shall be possible?

I hold in my hand a copy of the Boston Journal of Commerce, a careful gatherer of the current opinions of our times, and I find in it the following startling statement, startling and suggestive, and at the same time not flattering to the American people. Yet we can well afford to learn from any source how extravagant we are if it shall aid us to reform. This paper remarks that we and our fathers had boasted of the economy and purity of republican government resting on the intelligence and virtue of the people, and adds:

There was certainly some foundation for some such boasting comparisons in the early days of the Republic, but there is none now, and it is very unfortunate for Americans when any of them are instituted. Some one having drawn a picture of the government in "free America" and of that of "monarchical England," the Edinburgh Scotsman, with its natural keen and shrewdness, catches up the writer and pours out upon him some solid as well as disagreeable facts, in this wise:

"The imperial revenue of Great Britain is about £75,276,000, and the amount raised by taxation for local purposes is about £28,186,000; so that the whole cost of govern-

ing the country, with what our American friends regard as our expensive luxuries of a monarchy, is £103,462,000. But the revenue of the Federal Government of the United States is \$27,893,850, and the amount raised by taxation for local purposes is about \$71,000,000; so that the whole cost of the 'self-government' of the Americans is \$98,893,850. We have an efficient army and navy—the Americans have neither; we have our colonies and our great Eastern Empire, while the United States have no colony; and still we get along with tolerable comfort by the expenditure of \$25,000,000 a year less than the Republic."

"Thus" says that journal "it unhappily appears that our federal and local expenditures exceed the corresponding expenditures of Great Britain \$125,000,000 a year." I am glad that the Scotsman somewhat overestimates our expenditures, but still it is in fact so great, and the tendency and motives to increase the volume are so fearfully pressing and growing year after year, that the friends of free government may well take the alarm.

This Boston journal commenting upon that very striking and very unpleasant picture further says:

Great Britain carries on her powerful and complicated government at \$125,000,000 less expense annually than it costs to support the local and national administration of government in the United States, and the worst phase of our condition is the stolid and persistent determination with which the office "rings" of all parties oppose every movement for any practical retrenchment.

I trust that such a statement cannot much longer be made with any approach to truth, and I indulge in the hope and belief that both the great political parties of the country, as represented in this House, in considering the appropriation bills which will come up during the present session of Congress, will manifest a determination that these heavy expenditures shall be heavily reduced.

I find upon our desks a leading journal stating the further startling fact that our taxation, including local taxation in all its forms and Federal tax, amounts annually to the sum of \$730,000,000, exceeding, indeed, the estimate of the Scotsman. What does this mean?

The net earnings of the United States in 1869, when the last effort was made by the Government through the Bureau of Statistics to ascertain the annual value of our earnings as a people, were found to be \$546,000,000, while the taxation of the Federal Government since 1870 has been materially reduced, the taxation of State and of local governments had very materially increased, so that the whole amount of taxation was then and is still about \$730,000,000, actually exceeding in amount the whole earnings of the people of this country. This is certainly overstated, but still it is not time that a severe effort should be made for a retrenchment of the expenditures of the Government if these figures make any approach to truth? Nothing is more certain than that taxation is at the bottom of the universal prostration of all the industries of this country. It is not panic, but exhaustion, that produces this prostration. There is no road to solid prosperity for our people, there is none to the resumption of specie payments, which gentlemen so long for, except by positive and remorseless reduction of taxation, Federal and local. Free government itself is involved in the demand for retrenchment and reform.

The pending bill reduces the expenditure for our foreign diplomacy from \$1,352,485 to \$922,847 a reduction of \$429,639.

The gentleman from Ohio, [Mr. MONROE,] to whom I always listen with great pleasure on account of his fairness and the consideration which he brings to every question of public concern, has made objection to the retrenchment proposed by this bill on the ground that it



tends to cripple the commerce of the United States, that it tends to impair the facilities for reviving our commerce with foreign countries. He dwells upon the fact that this bill abolishes our minister-resident at Greece. That gentleman, usually so cautious, indulged in a remark which struck me with astonishment. The Committee on Appropriations were not unaware that this proposition to retrench in such a field might excite, at first blush at least, some opposition. My friend from Ohio is not peculiar in his feeling of reverence and veneration for all that pertains to ancient Greece. The gentleman in speaking of a resolution for a minister to Greece says:

And another name which has been heard in this country, Henry Clay, of Kentucky, followed Mr. Webster and made one of the grandest speeches of his life in support of that resolution. Why, sir, hardly anybody at that time, outside of a certain circle of liberty-loving men, believed Greece could maintain her freedom. It was only subsequent events, and very honorable events they were to the powers which took part in them, which demonstrated this fact. And yet these great statesmen were in favor of incurring the expense of sending to her a diplomatic representative.

For what? Because, as my friend has suggested, they indulged in the hope that the independence and liberty of Greece would be in fact established. The people of this country will sympathize with the struggles of every people to throw off the yoke of oppression and to establish a free government. But does my friend overlook the fact that the anticipations of the men of that day were never realized? Greece was struggling for independence under the leadership of men of that day, some natives of Greece and many more of other nations who were inspired by the illustrious example of the early days of that famous people. But the gentleman from Ohio is certainly aware that it is not to the Greece that the statesmen of the last generation hoped for, we send a minister invested with diplomatic powers. The gentleman who is accredited from the United States to the modern Athens is certainly not a representative from the United States to anything of the Greece that excites our admiration or kindled the enthusiasm of Clay and Webster. Greece a republic would excite the admiration and even reverence of all Americans and the lovers of freedom throughout the world.

Greece of to-day, so far as territory is concerned, is in some degree the Greece of the olden time, but the Greece we venerate is no more. A small body of people, less than one and a half millions, dwelling amid the venerable ruins and upon the tomb of the ancient republics, submitting to a monarchical government under the tutelage and protection of three great European powers. Is this the Greece that gave learning to the nations? My friend knows that England keeps her vessels at Piræus not only to protect but to overawe that little monarchy.

We are asked to send a minister to a little monarchy with a scion of the house of Denmark at its head; a petty prince kept in power by England, Russia, and France. Is this respect to the memory of Greece? All that was valuable and venerable in Greece except her ruins is gone to more favored climes. It is but a petty monarchy kept in power over a people, incapable perhaps of government, by stronger governments—Russia, France, and England. Is it for the representatives of the people of the United States to impose taxes upon their people for the mere empty representation at a court such as this?

There is no sentiment or poetry in such diplomacy. It is not Greece, but a feeble monarch we would honor—a monarch who reigns by the right of Russia, England, and France, not by the voice of a people.

We propose to establish a consulate at Athens. We have one at Piræus, as my friend well knows. We have done all that is necessary to promote our commerce with Greece, if such commerce was possible. Have we anything to do with that country except commercially? Have we any possible political relations, present or remote, with George of Denmark, who is kept upon the throne of Greece? Why, my friend must see that he proposes simply to send, at an expense of \$7,500 a year, an American citizen to give character to this little petty monarchy; nothing more. What valuable information does my friend think we shall get from that source? What fruit does he expect from this diplomacy that costs us \$7,500 a year for the salary of minister and the usual incidental expenses?

Mr. MONROE rose.

Mr. HOLMAN. I hope my friend will excuse me a moment?

Mr. MONROE. Will it disturb the gentleman if I make a single remark at this point?

Mr. HOLMAN. "I trust the gentleman will allow me to finish this sentence."

What kind of service, Mr. Chairman, is rendered to this Government by this representative to the little monarchy of Greece? I have before me one of these state-papers, dispatches of Government—one of these mysterious documents that seem to overawe our sense of economy. Let us read what valuable facts come to us from this little monarchy at a cost of \$7,500 a year and contingent expenses. See what a voice comes from that land of scholars and nurse of arms:

*Mr. Read to Mr. Fish.*

LEGATION OF THE UNITED STATES,  
Athens, April 25, 1875. (Received May 27.)

This dispatch is so important that the time of its being received is mentioned!

SUB: The king and the queen attended the imposing ceremonies at the cathedral last evening, the Greek Easter eve. They arrived in a state carriage, preceded by outriders and followed by a strong escort of cavalry.

The scene was a most impressive one as they ascended the steps of the broad platform before the cathedral, accompanied by the various members of their court in brilliant dress, and were received with appropriate solemnities by the Metropolitan and his clergy. The king—

How important to be minute and careful in speaking of kings, when a gentleman is employed at a salary of \$7,500 a year, to note the movements of a king and report them to our Department of State—

The king was in the uniform of a general officer—

That is valuable information. The State Department must have been greatly edified by this valuable intelligence!

The king was in the uniform of a general officer, with the ribbon of his royal order on his breast. The white satin robes of the queen seemed to steal the color from her cheek.

[Laughter.]

My friend from New York [Mr. Cox] suggests that this was very gay. He must not indulge in such levity. This is a solemn state paper—a costly and valuable one. This is a specimen of the special dispatches sent by our high-salaried ministers at the expense of the industrious people of this country.

The white satin robes of the queen seemed to steal the color from her cheeks.

You can see that this famous diplomat was inspired by the old poets of that country. Anacreon could scarcely have expressed a handsomer simile. We can see the effect of Grecian literature in this ambitious diplomat.

The dignitaries of the church were clad in magnificent embroidered garments.

[Laughter.]

Gentlemen must not smile. This is a state paper and about as dignified and important as others I have been able to find in this ponderous volume. [Laughter.]

The archbishop wore, moreover—

"Moreover" is a good word in that connection—

The archbishop wore, moreover, his miter, and carried the staff of office in his hand. Golden banners and richly decorated religious emblems glistened on all sides, reflecting countless torches in the hands of the assembled multitude. From the latticed balconies of an ancient Venetian building, on the opposite side of the square, streamed fitfully the many-hued glare of chemical fires. But far above the splendors of the present shone the majestic outlines of the Acropolis and its immortal ruins, illumined by the calm, silvery rays of the same fair moon which looked down upon the labors, ceremonies, and sacrifices of Phidias and Pericles two thousand years ago.

Here we touch upon the real Greece a little.

In the vicinity of the cathedral, from an early hour, every available space was packed with a living mass—

Now, I call the attention of my friend from Ohio, and want him to observe how far this is republican Greece that we all revere and love—

yet not a murmur arose.

Either the people of that little monarchy were so completely subjugated that "not a murmur arose," or else they were beholding with contempt this pageantry to which we contributed by sending a representative there at \$7,500 a year.

Yet not a murmur arose from the vast crowd, and no disturbance, not even the most trivial, took place.

What an important fact that was to convey to the State Department.

At the close of the rites, their majesties returned to the palaces.

Everything must be detailed.

At the close of the rites their majesties returned to the palace, while their subjects retired to their homes to celebrate with feasting and joyous songs the arrival of Easter, after many weeks of rigid fasting.

I have, &c.,

JOHN MEREDITH READ.

There are five or six other equally valuable state-papers in that volume from the same source. Does my friend from Ohio think that the overtaxed people of this country can afford to pay a gentleman \$7,500 a year to get up these puerile descriptions of the fetes of a petty monarchy? I sympathize with him when he talks about old Greece; but I am not willing to tax the people of the country for the purpose of adding to the petty pomp of this little prince.

Mr. MONROE. Will my friend allow me a word?

Mr. HOLMAN. Certainly; but only a word, I hope.

Mr. MONROE. In reply to my friend from Indiana [Mr. HOLMAN] I wish to utter just two sentences. First, Henry Clay, who has been alluded to, avowed it on repeated occasions as a principal motive for extending the diplomatic representation of the United States, that in his judgment it would prepare the way for the increase of our commerce; that motive must be superadded to the interest in Grecian liberty.

One sentence more. I do not infer, nor I presume would it be my friend's method of reasoning to infer, that, because there has been an official in some department of service that lacked good sense or did not discharge his duty, therefore that department of the service should be abolished. If that were a sound method of reasoning, then, if we were to believe half of what the newspapers say, this House and the whole Congress of the United States would have to be abolished.

Mr. HOLMAN. What else would this gentleman (Mr. Read) do? Why, sir, we have a consul at Piræus; we always have had, I believe. We propose a consul at Athens at \$2,000 a year in hope that some time we may have some commerce there. "Too much," my friend from New York [Mr. Cox] says, and I think it is myself. We

know there is no commerce between this country and Greece. The fees of all our consuls there do not reach \$180 a year. My friend must remember that of that million and a half of people a large portion are of the Slavic race, wandering shepherds of the mountains, scarcely more enlightened than our western Indian tribes.

My friend must remember that between the Slavic race who settled in that country and the furious crusaders who overran and partitioned Greece among their chiefs and the cruel Turks all that was beautiful and grand in Greece has perished; no, gone to more favored climes. It is here in this blessed land of ours, it is everywhere where intelligence prevails and love of learning exists. You do not find it by going back to that ancient tomb of greatness. It has left the Egean Sea to return no more. "Westward the course of empire takes its way." But, sir, upon this general question I take issue fairly with my friend from Ohio. I will go further than he will, or as far as he will, in behalf of any agency that will encourage and promote our commerce. The position of the United States in its relations to the other nations of the globe is such as naturally to make it not only a great producing but a great commercial power; but I deny that these ministers sent abroad do anything to aid our commerce. I deny it; I take issue with the gentleman. I am willing to multiply our consuls, commercial agents, and vice-consuls, or whatever other agency will connect us with the commerce of the world. But do you suppose that Mr. Read has anything to do with our commerce? Do you suppose that the thirty-one ministers you send abroad, with salaries from \$7,500 to \$17,500 a year, influence the commerce of the world? It is your commercial agent, your consul-general, your consul, who connect us with the commerce of the nations, and not your expensive and showy ministers. Why, Mr. Chairman, you may abolish all these ministers, whether envoys extraordinary and ministers plenipotentiary or merely ministers resident, without affecting the commercial interest of the country a particle. If occasion arises for diplomacy, which seldom does, you can send a minister. The nations are closer together than in the Middle Ages. It should be remembered that the salaries of our foreign ministers are paid in gold.

Take Japan as an instance; our minister out there gets \$12,000 a year. My friend from Ohio likes to talk about Japan. The present representative of this country to the court of Japan is our old friend Hon. John A. Bingham, the most amiable and genial gentleman living. He is the minister plenipotentiary who now so eminently and pleasantly represents us at the court of Japan at \$12,000 a year. Let us see whether in this correspondence he gives utterance to any of those sublime thoughts which he used to pour out in debate upon the floor of this House in eulogy of our republican institutions. Let us see what has been the effect of a slight residence abroad near an imperial court in his case.

I will read from this book of state papers:

UNITED STATES LEGATION,  
Tokai, January 2, 1875. (Received February 8.)

SIR: I have the honor to report that, in pursuance of an invitation extended to me by His Majesty the Emperor through the minister for foreign affairs, I joined my colleagues at the imperial palace on the 1st instant to tender my congratulations to the Emperor.

My colleagues and myself being duly presented to His Majesty, Sir Harry Parkes, as dean of the diplomatic corps—

A very dignified body unquestionably; all in elegant uniforms except Mr. Bingham, who of course was a plain, simple, dignified republican, such as should represent a republic before an emperor, and I am sure Mr. Bingham has not forgot that he represents a republic.

Sir Harry Parkes, as dean of the diplomatic corps, read to His Majesty, on behalf of himself and colleagues, an address, a copy of which is herewith inclosed; to which His Majesty, as will be seen from a copy of his reply herewith, was pleased to express his thanks and congratulations.

You will observe that Mr. Bingham calls especial attention to another great and valuable fact—

You will observe that the Emperor, in the address of last year as also in the address of this year, expressly named presidents as well as sovereigns as the chief executives of friendly states represented at his court.

Now my friend from Ohio sees the point of that. It shows the impression Mr. Bingham is making upon even His Imperial Highness. Mr. Bingham has only been there two years, and had only once before, I presume, the honor of being in the presence of His August Majesty the Emperor of Japan. Yet Mr. Bingham's presence there has already secured this important result, a fact which must have greatly edified and delighted the State Department, that the Emperor of Japan had actually included presidents as persons to be named in connection with sovereigns of friendly powers represented at his court! Cannot we afford to pay \$12,000 a year to have such an impression made on the Emperor of Japan with a flattering result?

If there is anything ridiculous it is these so-called state papers, and this is one of the most solemn of them all. [Laughter.] However, there is a passage which I omitted. "It gives me pleasure," says Mr. Bingham, and how must the heart of the State Department have throbbed at this gushing intelligence—

It gives me pleasure to note that on this occasion Her Majesty the Empress was present.

And yet this is the book of the intercourse of nations in diplomacy; these are the national dispatches for which we are to pay a million dollars a year.

My friend next comes to South America. Does he imagine these

ministers—this little vestige of the Middle Ages—have anything to do with taking care of our commerce in South America?

Mr. MONROE. They ought to have.

Mr. HOLMAN. They cannot have. They are employed in South America as elsewhere in attending to affairs of state just as they are engaged in Japan and Greece. They are mere secretaries, to note and transmit to our State Department the movements of imperial persons, or in republics the petty intrigues of men in power. Strange, then, that the people of this country should be taxed for any such purpose.

There was a time in the history of the nations—even now among monarchies and the contending powers of Europe—when the efforts of diplomacy were well enough and when ministers and ambassadors were valuable in the complications and bloody ambition of princes, and the more perfidious and unscrupulous the more valuable. This was among crowned heads, unmindful of the people. We have left all that behind; that time has gone by with us, and here in our own capital and in the other capitals of the world these gentlemen of elegant leisure, who through the false pretense of representing nations tax the labor of mankind, have no more to do with the great movements of the world, its grand industries and its grand commerce and its grander hopes, than the gentle breezes have to do with the revolutions of the globe. When political questions actually arise, a man of affairs is in fact sent to attend to the business or the foreign offices attend to it direct.

Take the Central American states as an illustration of this idea. We had a few years ago ministers to all the little, petty governments of Central America, five in number. I do not think that my friend objected to the act abolishing all of them, or rather sending one minister to all. We sent a minister who was properly required to reside at Guatemala, if any where, and he settled down at the seat of government of that country, accredited to four other republics. Now let us see what is the nature of his services. Mr. Williamson, a very clever gentleman as I understand, in one of his "state-papers" addressed to Mr. Fish, says:

I have the honor to inform you that I took the liberty to accept the invitation of the British chargé d'affaires to be present at the firing of the salute to the British flag at San José de Guatemala, in accordance with the terms of settlement of the Magee question.

As the officials here are very sensitive, I took the precaution to ascertain from the minister of foreign affairs and prime minister whether my presence on the occasion would be altogether agreeable to the government of Guatemala. They assured me they would be pleased at my being present.

The salute was fired in the most formal manner, in the presence of the commanding general of the forces of Guatemala, General Solaris, and his staff, the British rear-admiral, Cochrane, and the officers of the part of his squadron—four ships—at San José, the British chargé d'affaires, and other distinguished persons, and myself.

There were also present, under arms, about two hundred troops of Guatemala, and a like number of marines and sailors from the British ships.

By the invitation of Admiral Cochrane, I had the honor of enjoying his hospitality on board of his flag-ship, the *Repulse*, while I was at the port.

At the official dinner given by the admiral on the *Repulse*, after the salute was fired, "The President of the United States" was one of the regular toasts, to which I responded.

I submit, there is one important omission in this dispatch. Mr. Williamson does not give us the substance even of that response. The speech is not given. There is a clear neglect of duty. Why, sir, one of your consuls, with two thousand dollars a year, is worth for the purposes of commerce all these fancy gentlemen put together whom we keep up in imitation of the feudal age at enormous cost to our Treasury.

Take any other. We have had a minister always at Chili, and this bill proposes to retain one there also accredited to Bolivia still. What are the valuable facts he communicates? I am taking up these despatches at random. Here is one dated February 12, 1875, addressed by Mr. Logan to Mr. Fish. He says:

Referring to the reception of the President's message, I have the pleasure to inform you that it gives universal satisfaction among the American residents of Chili, so far as I have been enabled to learn their sentiments.

The financial policy therein recommended, which in my own judgment is the only correct one, is particularly commended.

This is signed by C. A. Logan, and is dated from the "legation of the United States, Santiago de Chile."

Does my friend think that the people of this country can afford to pay \$10,000 a year—the salary we pay this gentleman—to a gentleman to write four or five such "state-papers" as that in the progress of twelve months? I think not. These gentlemen are far above giving any attention to commercial matters. They are connected with courts and governments. They write dispatches. Your consuls are the men who are connected with our industries, not these diplomatic gentlemen. Consuls are for use; these diplomats for ornament.

Mr. MONROE. If the gentleman will allow me, I beg to say that I think the sentiments of the President's message in regard to finance and currency are so sound that it pays well to have them promulgated and accepted in any part of the world. I wish they were as well accepted in the district of the gentleman from Indiana, [Mr. HOLMAN.]

Mr. HOLMAN. Does not my friend know that he ought not to interpolate his finances into my remarks in that way? I am speaking of diplomacy. I am not objecting to Mr. Logan expressing his opinion, but what I do object to is our paying him \$10,000 a year that he may have the leisure to do it. I object to paying \$12,000 a year for a mission to Austria and Hungary if the only important message received is like one received recently from the predecessor of Mr. Orth, that His August Majesty of Austria had determined to visit Italy.



Our State Department could have learned that, if of any value, from any newspaper.

This whole thing of diplomacy is a sham now, and just as much obsolete and out of harmony with the age, and especially with our republican institutions, as any other obsolete institution which is still kept alive to enable some men to live off of the labor of others. It bears no relation to those grand missions in the early years of this Republic, of Franklin and his compeers, when a republic was demanding recognition of the nations. We are now far beyond that period in the world's history.

This bill proposes to consolidate for diplomatic purposes some of the governments of South America, if we must have some diplomacy. We have consolidated already without the slightest inconvenience or detriment to the public service the five little governments of Central America, as I have said, represented now by one diplomat, and he has apparently nothing to do. It is now proposed to unite Paraguay and Uruguay on the Atlantic side with the Argentine Confederation. We propose also to keep a sufficient number of consuls there. I wish my friend from Ohio [Mr. MONROE] to remember that we have a consul at every point on the Atlantic and Pacific and on the Caribbean Sea, in South America, where we have any commerce at all. We have a minister resident at Venezuela, for manifest reasons, and also at Brazil. It is Venezuela, Brazil, Chili, Peru, and the United States of Colombia which furnish the most commerce to us, and that is now considerable, and the largest portion of the commerce of South America with the world.

Mr. MONROE. Does not this bill remove forty or fifty consuls?

Mr. HOLMAN. It does not fail to leave a consul at every port of South America and elsewhere which American vessels visit. We do abolish consulates where there is no business. We cannot afford to pay two or three thousand dollars a year at remote points where the fees are limited to two or three hundred dollars a year. We have not suppressed a single consulate where our people have any commercial business. Will my friend say that a consulate where the fees amount to two or three hundred dollars should be kept up at an expense of two or three thousand dollars? It is the consulates of that class which we propose to abolish. The President can still appoint the consuls and let them receive all the fees. There is no objection to that, and our law contemplates that policy.

We propose to unite Ecuador and the United States of Colombia and Peru together. Now does not my friend know, taking into account the extent of our diplomatic relations with these countries, that only one minister is really required for these three small republics? We have no political relations with them, only commercial. Sir, I am in favor of keeping up relations with these governments, but they must necessarily be commercial relations, and we provide a consul for every port on the Pacific in South America.

We unite Bolivia and Chili. Bolivia, as everybody knows, is substantially in the interior and Chili on the coast. We anticipate a minister at Peru, because there is no doubt that the President will designate the capital of Peru as the residence of the minister. In Chili and Bolivia we have consular representatives at every important point. My friend from Ohio [Mr. MONROE] will observe that we send more ministers to South America and other countries than they send us. Let us see how liberal we are about foreign appointments.

Bolivia sends us no minister; Ecuador does not; Greece does not—that land which so much excites my friend's sympathies; China does not; Liberia does not.

My friend from Ohio [Mr. MONROE] asks, Why keep up a minister resident at Liberia and have none at Hayti? My answer is this, that the colony of Liberia upon the African coast was planted by us; that it is one of the offsprings of the humanity of our people; that it was established under the auspices of some of the best and purest men of the past age; that it has encountered serious obstacles; its inhabitants were natives of our country; and, if by any means a representative of the United States can render assistance to these remote people struggling to establish a republic in Africa, I say we should extend them all the aid in our power. We leave that mission untouched.

The gentleman says, Why withdraw the minister resident from Hayti? Why, for the simple fact that we need a commercial agent there and instead of the minister at \$7,500 a year we provide a commercial agent at a salary of \$2,000. My friend cannot deny that, looking at the question as a commercial one, that is the wiser and better policy. We have no political relations with Hayti.

I think, Mr. Chairman, that I have said all I desire to say on this subject. Instead of crippling we have sought to increase every facility for our commerce. It is commerce, not diplomacy, our Republic needs. Our diplomacy has not been the most creditable even in its way. Within a very few years, so recently that the blush is hardly yet off our cheeks, the minister to one of the second-class powers of Europe was permitted to come to the United States to engage in a controversy then going on between citizens of the United States and subjects of England. He came here still drawing the pay of a minister, as is alleged, at \$1,000 a month, and he was allowed time under the law to travel from the court to which he was accredited to the capital of the United States and return and remain in this country for sixty days, with full salary. I have been told that this gentleman received large sums of money from persons who engaged him in England,

taking advantage of his ministerial relations to interfere in private enterprises in which citizens of the United States were engaged.

Sir, I do not believe that is right; but he had nothing to do at the court to which he was accredited, and could be allowed three months' leave of absence, including travel, without loss of public service. It only illustrates what a useless bauble this diplomacy is.

Mr. HEWITT, of New York. Will the gentleman allow me to say that it is within my personal knowledge that the minister to whom he has referred received \$100,000, and claims one hundred and twenty-five thousand more? I merely wish to confirm what the gentleman from Indiana said.

Mr. HOLMAN. We have a minister to South America who has not blushed to set up over our flag the emblems of a pawnbroker and made merchandise out of his ministerial office; but he had nothing else to do.

I admit with pleasure that there is one exception in the view I am compelled to take of our foreign representatives. There is a gentleman who left this Hall accredited our minister to France. He has rendered, if not to his own country, great services to humanity. In that fearful reign of terror in Paris, when France and Germany were in the death-struggle, he alone of all foreign representatives remained at the post of duty and threw the shield of diplomacy over the oppressed and miserable. Standing between conflicting armies, he rendered services to the cause of humanity. But this was but a fortunate incident, having no relation to the office of the diplomat.

We, a Government that has no entangling alliances, no political relations with the other nations of the globe, except treaties of amity and commerce, actually send abroad more ministers than come to our capital. We send abroad thirty-one ministers plenipotentiary and resident, and there are twenty-two foreign ministers who at times are here at this capital.

I believe that Switzerland, that model little republic, has never had a minister here. Why should she have? Why should we have one there? We have a consul at every important point in Switzerland. Switzerland is the most perfect of all models of republican institutions. With her government frugally administered, she cannot afford for mere show or pretense to tax her people by increasing offices. Switzerland has a president with a salary of \$3,000—not one-half the sum we pay to the least salaried of these ministers—and every other official is paid upon the same frugal basis. We pay even our minister to Switzerland \$7,500. Corruption in public affairs of course is there unknown. She sends no minister here, a mere empty pretext for expenditure; she does not tax her frugal, industrious people for the mere pretense of representation at foreign governments with which she has no political relations whatever. Thus we, in our anxiety to find pretenses for offices, send her a minister whom we never hear from, at a salary of \$7,500 a year and contingencies.

I trust that this bill, this entering wedge of economy, this second attempt in earnest at retrenchment, will receive the cordial support of gentlemen on both sides of the House.

Mr. GARFIELD. I will yield five minutes to my colleague, [Mr. MONROE], who desires to say a word or two in reference to some remarks made by the gentleman from Indiana, [Mr. HOLMAN.]

Mr. MONROE. I wish to begin by saying that I have listened with great respect and interest, as I always do, to my friend from Indiana [Mr. HOLMAN] in his remarks on this occasion. I should be very sorry in differing from him to say a word that could lead any one to suppose I did not fully appreciate the services which he has rendered to the country upon this floor. I recognize those services cheerfully.

I must say, however, that upon this question of the diplomatic service I think he does not reason with his usual soundness. I must be permitted to say that I think his method of arguing in favor of abolishing a large portion of our diplomatic and consular service abroad is precisely like what this method would be upon a proposition to abolish the Congress of the United States or greatly to diminish its numbers. If a gentleman advocating that proposition were to come into this House and take up the CONGRESSIONAL RECORD for several years past, go over it and mark carefully all the passages which in his opinion did not exhibit very good sense or very sound logic in the debates which have taken place here, and then were to amuse this House, as he most certainly could do, by reading that for a great part of an hour to us—these selected passages, these choice morsels of English literature—in order to prove that we needed no House of Representatives, and it ought to be abolished—if a man were to pursue that course with the records of Congress, and then ask us to vote for a proposed amendment to the Constitution which would destroy the House of Representatives, abolish it entirely, he would give us a style of reasoning which would be an exact parallel to that of my friend from Indiana.

Why did not my friend read from the dispatches of Mr. Partridge, our minister to Brazil, who gave this nation a great deal of timely information in regard to the coffee trade of that country? Why did he not read from the dispatches of Mr. Andrews, our minister to Sweden, who has sent a great deal of valuable information to these United States? And I might name many others. Why was he so unfortunate in looking over the foreign correspondence as to come upon only those passages which I admit are very amusing and very entertaining, and which gave a sharp point to his speech, but which are less

creditable to the service? Why could he not have found something of a different character? I think I should have no difficulty in selecting from the dispatches enough valuable matter to occupy the attention of this House for a long time.

But that is not the question; the question is not at all whether we have happened during the past few years to be represented abroad by a class of men of great attainments or ability for research, of great power to collect information or to anticipate coming political events or any events which might shift the currents of trade or affect prices, because all these things belong to the proper sphere of diplomatic representation abroad. The question is not whether we have had men of this high character, which undoubtedly is what we ought to have had. The question is whether there is such a thing as a proper place for diplomatic service abroad? Is there in the nature of things a call for such service? If there is, then, instead of attempting to destroy our diplomatic representation because the men who are in it do not come up to our ideal, let us struggle together to fill up by degrees as we can those places with men who shall reach our ideal. If we have not now the proper men in the Congress of the United States or in any Department of the Government, it is for the people as fast as they can to get the right men into the right places, and not to destroy great Departments of the Government and great and valuable branches of the public service, which have been established in the very nature of our national wants. It is for the people to improve and reform these branches of our service instead of trying to break them down and to destroy them.

Mr. HOLMAN. Will the gentleman from Ohio [Mr. GARFIELD] yield to me just a moment?

Mr. GARFIELD. Yes, sir.

Mr. HOLMAN. My friend [Mr. MONROE] must remember that these volumes are full of asterisks, indicating that what was deemed puerile had already been stricken out by the Department. What I have read is the real diplomacy!

My friend has said nothing about reduction of salaries. I presume he does not propose to say that our ministers to Great Britain, Russia, and the other powers shall continue to have \$17,500 a year. I think he will consider the \$14,000 proposed as far above what is a reasonable salary. But we must gradually get rid of this expensive banble.

I wish to call the attention of the gentleman—I know my other friend from Ohio [Mr. GARFIELD] will not object—to an extract from a leading paper of his own State, from an article written by a gentleman of extensive foreign travel, who, as my friend is well aware, has had unusual opportunities of knowing what he writes about, a gentleman, too, of great fairness in his public utterances. It is as follows:

More and more are the people becoming convinced that this costly banble of diplomacy is of little value to our Republic. Let the present House of Representatives abolish the more useless missions, beginning with these South American ones, and a saving to the Treasury will be begun which may end in substituting consuls and business agents for these high-sounding "envoys extraordinary and ministers plenipotentiary," to the great benefit alike of the Treasury and of our public business abroad.

My friend will see that I have simply taken the idea put forward by this gentleman of large experience, rather than advanced any crude views of my own.

Mr. GARFIELD. Mr. Chairman, I do not desire to detain the House long, nor to make anything like an elaborate argument on this bill; but I wish, if possible, to appeal to the judgment of the House as I would to a board of trade in an important business transaction. There is, I think, no bill on the whole list of appropriation bills more commercial in its character, more largely based upon business principles, than the bill which makes appropriations for our diplomatic and consular expenditures. There ought to be no party politics in such a bill. We ought to go to work upon it as though we were a board of railway directors making provision for the management of our road. And in what I shall say I hope there will not be found a tinge of partisanship.

I will say, in the outset, that I sympathize with the Committee on Appropriations in all their laudable efforts to cut down expenditures. I know how hard that task is. I know how much of local pressure is brought to bear upon them from all sides from interested parties who desire to swell appropriations, and I know, moreover, that every Executive Department tends to enlarge the field of expenditure within its jurisdiction, so that it is the business of that committee to resist pressure from all sides—pressure from the Administration, pressure from this House, and pressure from their friends outside who are always asking for more.

Now, I sympathize with the committee in their efforts at reform. I think there are several places where they can cut down very decidedly. Without stopping to indicate particulars, I will say generally that I think, for instance on the fortification bill, (though it is smaller the last year than ever before,) they can make a good deal of reduction, and ought to. In all that relates to public works, public buildings, rivers and harbors, whole establishments in the way of construction can be considerably reduced, and ought to be. I have no doubt, also, that many of our civil establishments here in Washington—which grew largely out of the war—greatly overgrown in consequence of the work which the war threw upon them, can be and ought to be still further reduced. I think there ought to be a reduction of ten or fifteen millions below the appropriations of last

session. But I am not a little surprised, I must confess, to find the bill now before us in the shape reported by the Committee on Appropriations.

I believe every gentleman of intelligence on this floor will admit that the foreign service of the United States, the State Department, both as it is exhibited at home in its civil functions and abroad in its diplomatic and consular functions, has been for years the most economically conducted, the most honestly managed, the most carefully kept up of perhaps any of our Departments. All men of all parties have given their testimony in years past to that as the general truth. Now, when we remember that our diplomatic expenses, as reported in recent years, have been about a million and a third of dollars for all our complicated relations, consular and diplomatic, for a government of the size of ours, related in so many ways to the world, it seems to me on the whole a surprising thing that we have been able to keep it down to as low a figure as the annual bills of recent years show.

The bill proposes a reduction, I believe, of \$435,000 on an aggregate of about \$1,350,000. A little more than \$174,000 of this reduction, as I understand, is proposed to be made in the diplomatic service by cutting off six ministers, by reducing salaries of the others, by reducing the contingent and other expenses relating to the diplomatic service. In the consular service the proposed reduction is about \$260,000. The committee propose to abolish forty-four consulates and consular agencies and to make a reduction in contingent and other expenses connected with the consular service.

I will say but little in regard to the salaries of ministers abroad or to the general treatment in this bill of our foreign ministers. If gentlemen will examine the statutes as they stood prior to the act of 1855, they will find that our laws regulating the salaries of foreign ministers had stood unchanged from 1803 to 1855. Yet our ministers abroad of the highest grade were receiving in that period in some instances as high as \$23,250 a year in salary and allowances, on account of the method then adopted of giving an outfit and an infit, and in consequence of their often remaining in service for a very short time. Under that system great evils grew up. A man would get his outfit, which was equivalent to one year's salary; he would stay at home six or eight months before starting for his post of duty, drawing pay from the date of accepting his commission; he would then go abroad and stay a few months, get his year's salary, together with an infit of \$2,500, and come home. To show that I do not speak at random, I quote the following paragraph from a speech made by Mr. Mason, of Virginia, in the United States Senate, when the bill of 1855 was under discussion. The Senator says:

Under the present system—I cannot call it the present law, there being very little legislation applicable to the subject—the actual allowance to a minister plenipotentiary to any of the courts for the first year of his mission is \$23,250. The amounts, very briefly, which make up that sum are: Outfit \$9,000, salary \$9,000, infit \$2,250, and the average of the overlapping salary \$3,000, making \$23,250 as the actual expenses to the Government in the case of a foreign minister who remains abroad one year. If he remains abroad two years upon a full mission, under the present system, the actual expense to the Government is \$32,250 and the receipts of the minister \$16,250. If he remains abroad four years, or one presidential term, the actual expense to the Government is \$50,250 and the receipts of the minister are \$12,562.

It was found that some of our representatives abroad were paid far too high, while the majority of those who served any great length of time were paid so small a salary that none but wealthy men could enter the service. And so, after a most elaborate debate, which gentlemen will find in the Globe for 1855, with full tables and exhibits showing the working of our consular and diplomatic system—information very instructive indeed—a discussion in which the giants of debate in both Houses took a part, it was found that the majority of our ministers who staid abroad any great length of time were wretchedly underpaid. Considering the cost of living abroad at that time, the salary of \$17,500, without allowances, without outfit or infit, was given and fixed upon as a fair, reasonable compensation for first-class ministers. The bill passed in 1855, whigs and democrats alike joining in favor of it and agreeing to it as a wise measure.

Now, every man knows the cost of living throughout the world (and I have a table, which I will submit as a part of my remarks, showing from official statistics the increase in the cost of living in fifteen or twenty countries) has almost doubled in the last ten years, and more than doubled in many countries in the last twenty years. Yet, with the cost of living so vastly increased, with all the elements going to make up that cost so greatly increased, the Committee on Appropriations think they ought to cut down these salaries about 20 per cent. below the rates fixed twenty-one years ago. It occurs to me, Mr. Chairman, that they have departed from all just principles of business management in their judgment on that subject. I submit this suggestion without going into details.

Of course the result will be that these places can only be held by rich men. By the law of natural selection it brings wealthy men into our offices, and shuts out those who are unable out of their private fortune to live abroad and do duty for the Government. If that is so, if gentlemen desire to establish a plutocracy in this country, let us have it, but let us have it with our eyes open to its results.

I do not care much about some of the missions which it is proposed to abolish, and perhaps some of them can be abolished without much damage. But there is one class of missions whose abolition I should regret to see as a great calamity to this country. I speak of our missions to the South American States and Japan and China. There is



no part of the world where the United States has so much right and so great duty to be chief in the councils of international powers as in South America on the one side, and Japan and China on the other. And yet our friends seem by a sort of fatuity to have seized upon those very countries as the places in which to limit and restrict our diplomatic relations. I do not believe they intended to do it. I must believe it was an accident, an oversight. Here are South American countries to which we are to send ministers to represent us at three or four republics apiece at a salary of \$6,500 a year.

As an example of the effect of this bill, I submit a table showing the British diplomatic service in South America as contrasted with that of the United States by the present bill, from the British Blue Book of January 1, 1875:

BRITISH.		UNITED STATES.	
Chili:		Chili and Bolivia.....	\$6,500
Minister resident and consul-general.....	£2,000		
Clerk.....	250		
	2,250		
Peru:		Peru, Ecuador, and Colombia.....	6,500
Minister resident and consul-general.....	2,000		
Clerk.....	300		
Ecuador:			
Minister resident and consul-general.....	1,400		
Clerk.....	150		
Colombia:			
Minister resident and consul-general.....	2,000		
Clerk.....	100		
	5,950		
Argentine Republic:		Argentine Republic, Paraguay, and Uruguay.....	6,500
Envoy.....	3,000		
Secretary of legation.....	500		
Clerk.....	200		
	3,700		

It is proposed that we shall spend but \$19,500 a year to keep up diplomatic relations with these countries of South America in which Great Britain is spending \$59,500 for the same class of relations. We allow Great Britain, if this bill shall pass, to spend more than three times as much for the same kind of service to the same governments. Will we wonder, if this thing be done, that Great Britain gets the control of these countries away from us? Can any man be surprised hereafter, if we shall cut the cords which bind us to the South American republics and allow Great Britain to have three times as strong a hold on them, that the trade, the business, and interests of that great continent shall gravitate, not toward us, as they ought to, but toward Great Britain, as they will?

Mr. SPRINGER. Will the gentleman from Ohio tell us what effect the residence of a minister will have upon our commerce with those countries?

Mr. GARFIELD. I will speak of their commerce when I come to speak of the consular service. Of course the object of ministers to these countries is to keep up political relations; but the political headship of those countries is the power controlling all their commercial relations. We need at the headquarters of those South American States intelligent, cultivated American gentlemen to keep us informed of their political condition and necessities. We need our men there not only to inform us, but for the encouragement of these young republics. On every account let us keep up our relations with them. I would rather blot out five or six European missions than these to South America. They are our neighbors and republican friends. It is far more important to us to keep them up. I beseech gentlemen, therefore, to strike at some other than these South American Republics.

Let me now call your attention to our consular relations. This bill proposes to strike out forty consulates and to dispense with four commercial agencies, making in all forty-four. And the chief ground for this is that we do not get enough money back from these consular posts to make up the expense, and therefore we must cut them down so the pay shall equal the expense.

Now I hold in my hand, if gentlemen care to see it, and I will have it printed in my remarks, a statement as to some of the consulates cut off by this bill; and in order to show how Great Britain treats interests of this class, I have embraced in the table also a statement of how much Great Britain pays for consular service at the very consulates we propose to abolish.

*List of certain consulates abolished by the bill, with memoranda as to British consulates at the same places, and fees received.*

Abolished by bill.	Salary.	British service at these places.	Pay.	Allow- ance.	Fees.
Ningpo.....	\$3,500	Consul.....	£900	£100	None.
Hakodadi.....	2,500	Consul.....	800	100	None.
Odessa.....	2,000	Consul-general.....	900	450	£174
Beirut.....	2,000	Consul-general.....	1,000	300	106
		Vice-consul.....	350		
Tamatave.....	2,000	Consul.....	800	150	No fees.
Nantes.....	1,500	Consul.....	350	100	No fees.
La Rochelle.....	1,500	Vice-consul.....	250	150	£84
Algiers.....	1,500	Consul-general.....	800	150	41
Barcelona.....	1,500	Consul.....	600	250	99

*List of certain consulates abolished by the bill, &c.—Continued.*

Abolished by bill.	Salary.	British service at these places.	Pay.	Allow- ance.	Fees.
Oporto.....	1,500	Consul.....	600	150	165
Santa Cruz.....	1,500	Vice-consul.....	250		None.
Copenhagen.....	1,500	Consul.....	500	200	£135
Port Said.....	1,500	Vice-consul.....	400	220	None.
Tampico.....	1,500	Consul.....	700	200	None.
Stettin.....	1,000	Consul.....	500	200	None.
Maranhã.....	1,000	Vice-consul.....	150	50	None.
Rio Grande.....	1,000	Consul.....	800	150	£254
Cyprus.....	1,000	Consul.....		100	4
Bucharest.....	1,000	Agent and consul-general.....	1,600	200	
		Vice-consul.....	300	100	
Talcahuano.....	1,000	Vice-consul.....	250		None.
Venice.....	1,000	Consul.....		150	£140

At twenty-one of these consular stations, which by this bill are abolished, and for which we have hitherto been paying \$32,700, and by cutting off which we save \$32,700, at those same ports Great Britain is paying \$31,250 a year for consular officers to keep up her commercial relations; and at the same twenty-one consular ports Great Britain receives a total of only \$6,210, while she pays \$31,250 a year, not for the sake of the money she gets back now, but for the trade in the future, for keeping up commercial relations in pursuance of her far-reaching policy as a great commercial nation. And yet we to save \$32,700 propose to abolish at a blow all those consulates and abandon the field to Great Britain.

Mr. RANDALL. Does the gentleman not understand what is the law about that—that wherever a consulate such as we have disposed of becomes in the least necessary, the law gives the consul-general the right to appoint what is known as a consular agent, who takes the fees? In no instance—and I defy the gentleman to show any such instance—where we have cut off these consulates have we in the least degree interfered with the commerce of the country.

Mr. GARFIELD. I think my friend would agree with me that it would be far wiser for us to keep that interest in our own control and not let it be delegated to a step-mother, under no special central directing control, like our present consular system.

But, Mr. Chairman, the general statement which I have just made is not sufficient. I want to apply it more closely to our consular relations with South America. Here is a table showing what it costs us in South America for all our consular service at the several countries. It costs us in South America \$34,500. We get back from the same countries \$36,942.83. I have given it here by countries and by aggregates. In other words, we receive from the whole of South America about \$2,000 a year more than the service costs us. And yet in these very South American countries our friends have cut down almost as much as in any other part. Some of these consuls pay as much as they cost; some less, some more. But the balance-sheet for South America is in our favor. Shall we pick out some of the places that do not now pay in our present depressed condition, and blot out the consulates? If so, we abandon all hope of making them pay in the years to come.

I insert the following:

*Memorandum of the relative cost of the consular service of the United States and Great Britain, and of the amount received by each for fees in several South American States.*

[The amounts are taken from the United States State Department Register of October, 1874, and from the Foreign Office List of Great Britain of July, 1874. The fees of the United States consulates are those received for the year ending December 31, 1873. Those of Great Britain are stated to be those received in 1872-73.]

	United States.		Great Britain.	
	Consular, in salaries.	Fees.	Consular, in salaries.	Fees.
Argentine Republic.....	\$3,000 00	\$6,361 72	£2,100	£619
Brazil.....	12,500 00	13,370 95	6,850	1,773
Chili.....	4,000 00	414 10	2,100	1,198
Colombia.....	7,000 00	8,095 83	3,300	63
Ecuador.....	1,000 00	440 40	200	
Peru.....	3,500 00	2,900 07	2,400	460
Uruguay.....	2,000 00	1,666 36	1,200	577
Venezuela.....	1,500 00	3,693 40	700	24
Total.....	34,500 00	36,942 83	18,850 91	4,657 22

#### SUMMARY.

The United States collected in fees from its own commerce.....	\$36,942 83
And paid.....	34,500 00
Excess of fees.....	2,442 83
Great Britain paid for trade and commerce.....	£18,850 00
Collected in fees and commerce.....	4,657 00
Thus paying for the benefit of its trade, &c.....	14,193 00
Equivalent to.....	\$69,070 23

From this table we see that Great Britain pays \$91,733 at the same consular ports in South America where we pay \$34,500; and she gets back only \$22,663. She expends \$69,070 a year more than she receives at these ports, while we spend less than we receive from them. And

yet our friends propose to cut still deeper into our consular relations with South America, and leave the field to Great Britain. I cannot believe that when gentlemen reflect upon this from a business point of view they will persist in this course. Why, sir, the great business houses of New York will spend more money in proportion to their wealth in keeping up their commercial relations with South America and with the ports where they trade than the United States does. Intelligent selfishness would do more than is here proposed. Let us be as intelligent at least as the ordinary commercial traders of our cities.

Turn now to our relations with Japan and China. By the addition of Alaska to our domain we have established relations most important for our commercial future with those two great countries of Asia. I once said on this floor on another subject that it seemed to me just to say that at all eras of the world civilization has been grouped around some one sea as the focal center of its life and activity. Once the Mediterranean Sea was the center of the civilization of the world. The great empires that then governed mankind had their home and seat on its shores. After the lapse of centuries the human race turned away, leaving ruined empires in its track, and sought a broader theater than the Mediterranean, and the Atlantic became the great historical sea. And it is the great historical sea of to-day. But if there be anything in the lessons of history, the historical sea of the future is to be still grander; for the time may yet come when the center of civilization shall be shifted to the theater of the Pacific Ocean, and our Republic, holding the northern half of its eastern shore and reaching out an arm of islands a thousand miles to the northwest, ought to be the arbiter of that sea, the controller of its commerce, and the chief nation that inhabits its shores. For that reason we have extended commercial relations, have opened up close and intimate relations of commerce and amity with China and Japan. The old East has approached the new West; and we, the youngest born of time, have grasped hands with the most ancient nations of the world. We have sent ministers to China and Japan, we have sent out commercial agents and consuls to carry on the business with those countries, and to-day we send them half a million a week of coin dollars from our mint to be the trade-dollars of Asia. Now, what have our friends on the Appropriations Committee done in regard to our relations with the Japanese and Chinese governments? They have shorn us down to the smallest and narrowest proportions, such as will in effect drive us out of those countries as a power.

Let me state a few facts:

In Japan the United States pays consular, &c., salaries	\$14,500 00	
Received consular fees, (1873)	8,001 27	
		\$6,498 73
Pays diplomatic salaries		17,000 00
Total payments		23,498 73
Great Britain pays consular salaries	£13,457	
Received no fees, (1873)		
Pays diplomatic salaries	5,550	
		£19,006
Equivalent to		\$92,497 50
In China the United States pays consular salaries	\$43,200 00	
Received fees, (1873)	20,848 12	
		22,351 88
Pays diplomatic salaries		17,000 00
Total payment		39,351 88
Great Britain pays consular salaries	£51,107	
Received no fees, (1873)		
Pays diplomatic salaries	7,600	
		£58,707
Equivalent to		\$285,697 61

From this it will be seen that England pays nearly half a million a year beyond all the receipts that come to her, and yet our friends on the Appropriation Committee think that we are far too extravagant. They can make a little fun at the expense of our ministers, then, by talking about their conversation in broken Chinese with the Celestials and seem to think that is enough to laugh out of Congress all our efforts to keep up our relations with that great nation of more than 500,000,000 people.

Gentlemen, I beg of you do not cripple and utterly ruin this young and growing commerce that shall bind Asia to the United States. Our friends on the Appropriation Committee seem to have adopted the rule that when they have any doubt about an appropriation to divide it by two, in the absence of any definite knowledge how the appropriations ought to be cut down. For example: the contingent expenses of our foreign and diplomatic service they have divided by two, making the amount \$50,000 instead of \$100,000 as heretofore voted. I hold in my hand a table compiled from the official records which shows the total contingent expenses of our foreign missions and foreign-intercourse service since 1853. This memorandum was prepared at the Department of State:

Prior to the year 1871 the appropriations for contingent expenses of foreign intercourse and for contingent expenses of missions abroad were distinct, a separate appropriation being made for each object.

The unexpended balances of former appropriations also remained to the credit of the appropriations and were not covered into the Treasury as now required by law. The estimate submitted for the combined appropriation for contingent expenses of

foreign intercourse proper and of all missions abroad (namely \$100,000) is the lowest amount which can safely be counted upon as sufficient for the service. The expenditures under this head being "contingent" cannot be determined in advance with actual precision. Strict economy and care have been necessary to keep the amount within the appropriation of \$100,000.

Expenses and the cost of everything have largely increased within the past twenty or thirty years.

The appropriations made by Congress for contingent expenses of foreign intercourse and of missions abroad for several fiscal years ending 30th of June in each year were as follows:

Year ending June 30.	Appropriations for contingent expenses of foreign missions.	Appropriations for contingent expenses of foreign intercourse.	Aggregate for both purposes.	Reference to the Statutes.	
				Vol.	Page.
1853	\$40,000 00	\$40,000 00	\$80,000 00	10	88
PIERCE.					
1854	40,000 00	40,000 00	137,730 03	10	203
Deficiency	42,720 03	15,000 00			291
1855	40,000 00	40,000 00	80,000 00	10	564
1856	96,543 75	40,000 00	136,543 75	10	659
1857	75,000 00	60,000 00	135,000 00	11	28
Total			489,263 78		
BUCHANAN.					
1858	75,000 00	60,000 00	135,000 00	11	159
1859	50,000 00	60,000 00	110,000 00	11	311
1860	50,000 00	60,000 00	110,000 00	11	403
1861	20,000 00	40,000 00	60,000 00	12	20
Total			415,000 00		
LINCOLN.					
1862	40,000 00	40,000 00	80,000 00	12	170
1863	50,000 00	100,000 00	150,000 00	12	335
1864	60,000 00	80,000 00	140,000 00	12	638
1865	60,000 00	80,000 00	140,000 00	13	137
Total			510,000 00		
JOHNSON.					
1866	60,000 00	80,000 00	140,000 00	13	422
1867	50,000 00	65,000 00	365,000 00	14	224
Deficiency		250,000 00			374
1868	50,000 00	65,000 00	115,000 00	14	413
1869	30,000 00	30,000 00	60,000 00	15	56
Total			680,000 00		
GRANT.					
1870	50,000 00	50,000 00	100,000 00	15	319
1871			100,000 00	16	219
1872			100,000 00	16	417
1873			100,000 00	17	143
Total			400,000 00		
1874			100,000 00	17	472
1875			100,000 00	18	67
1876			100,000 00	18	322

On the 30th of June, 1853, there were unexpended balances carried to the appropriations for the year ending 1854, as follows:

Contingent expenses of missions	\$47,540 44	
Contingent expenses of foreign intercourse	9,757 48	
		\$57,297 92
Amount of appropriations for four years, (1853 to 1857)		489,263 78
		546,561 70
Unexpended balances on June 30, 1857:		
Contingent expenses of missions	\$82,319 00	
Contingent expenses of foreign intercourse	25,000 00	
		107,319 00
Expended during four years, (1853 to 1857)		439,242 70
Average per year during Pierce's administration, (1853 to 1857)		109,810 67
Unexpended balance on June 30, 1857, (as above)		\$107,319 00
Amount of appropriations for four years, (1857 to 1861)		415,000 00
		522,319 00
Unexpended balances June 30, 1861:		
Contingent expenses of missions	\$228 79	
Contingent expenses of foreign intercourse	40,742 40	
		40,971 19
Expended during years 1857 to 1861		481,347 81
Average per year during Buchanan's administration, (1857 to 1861)		120,336 95
Unexpended balance on June 30, 1861, (as above)		40,971 19
Amount of appropriation for four years, (1861 to 1865)		510,000 00
		550,971 19
Unexpended balances on June 30, 1865:		
Contingent expenses of missions	\$6,097 14	
Contingent expenses of foreign intercourse	15,739 04	
		21,836 18
Expended during the years 1861 to 1865		529,135 01
Average per year during Lincoln's administration, (1861 to 1865)		132,283 75
Unexpended balance on June 30, 1865 (as above)		21,836 18
Amount appropriated for four years, (1865 to 1869)		680,000 00
		701,836 18



Unexpended balance June 30, 1869:	
Contingent expenses of missions.....	\$8, 186 78
Contingent expenses of foreign intercourse.....	130, 722 61
	\$138, 909 39
Expended during the years 1865 to 1869.....	562, 926 79
Average per year during Johnson's administration, (1865 to 1869).....	146, 731 69
Unexpended balance on June 30, 1869, (as above).....	138, 926 39
Amount of appropriations for four years, (1869 to 1873).....	400, 000 00
	538, 926 39
Unexpended balance remaining in Treasury June 30, 1873.....	101, 886 75
	437, 039 64
Average per year during Grant's administration, (1869 to 1873).....	109, 759 91

From this it will be seen that during the last twenty-four years the average expenditure for the contingent expenses of foreign missions and foreign intercourse has been considerably more than \$100,000. In no administration, except the first term of General Grant, have the appropriations been brought down to the average of \$100,000 a year. Now, the average for the last forty years has not been as low as \$100,000; yet the Committee on Appropriations, following their principle of dividing by two, have cut down this contingent item to \$50,000.

Sir, it exceeded that amount fifty years ago, and has never been lower than that since the time of Thomas Jefferson. Now upon what principle have the committee acted? Is it simple division, to save labor, or what is it? You may ask the Secretary of State to furnish you the exact details of contingent expenses for any year for the last half century, and you will find that he will not be able to get it down so low as you have put it in this bill.

Mr. SPRINGER. May I interrupt the gentleman for a moment?

Mr. GARFIELD. Certainly.

Mr. SPRINGER. Does the gentleman say that the whole sum appropriated by this bill for contingent expenses is but \$50,000?

Mr. GARFIELD. I do.

Mr. SPRINGER. For what purposes?

Mr. GARFIELD. For "contingent expenses of foreign intercourse and foreign missions."

Mr. SPRINGER. In another part of the bill there is appropriated the sum of \$100,000 for "contingent expenses of the United States consulates."

Mr. GARFIELD. Certainly; I am referring to our diplomatic service.

Mr. SPRINGER. Does not the gentleman know that these contingent expenses are continually being reduced from the fact that formerly a greater number of things were included under the head of "contingent expenses" than is the case at the present time?

Mr. GARFIELD. I am aware that of late years we have specified more than formerly. But this bill does not specify more than the bill of last year did, and the gentleman can derive no advantage in that regard.

I next call the attention of the Committee of the Whole to the clause found in lines 271 and 272 of the bill, "for the relief and protection of American seamen in foreign countries, \$60,000." Now, section 4577 of the Revised Statutes provides that—

It shall be the duty of the consuls, vice-consuls, commercial agents, and vice-commercial agents, from time to time to provide for seamen of the United States who may be found destitute within their districts, respectively, sufficient subsistence and passages to some port in the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give. The seamen shall, if able, be bound to do duty on board the vessels in which they may be transported according to their several abilities.

The consul cannot neglect this duty without violating the law. He must send the American sailor home; and he draws a draft, in the country where he resides, upon the Government of the United States for the expenses of sending that sailor home. Now, the experience of years shows that from \$75,000 to \$150,000 a year is employed in this way, and that we cannot get along with less. I remember that two years ago, I think it was, we had to make an extra appropriation of a large amount because of the wrecking of our whaling fleet by the ice in the Pacific. It went then far beyond anything we had expected.

Mr. SINGLETON. Will the gentleman allow me to have read a letter from the Comptroller on that very subject, which perhaps will give him some light?

Mr. GARFIELD. Let it be read after I get through. I do not want my line of argument broken in upon now.

Mr. SINGLETON. It is right in the line of the gentleman's argument, and will come in very appropriately at this point.

Mr. GARFIELD. I understand that very well; but let it be read at the close of my remarks. It will do just as much good then as now. I have here a table, furnished me by the State Department, showing how much has actually been expended for the relief of American seamen, with the amounts paid for transportation to the United States and loss by exchange, in each year since 1861, by which it will be seen that in no year has the amount been so small as that proposed by this bill for this purpose.

1861.....	\$192, 961 42	1868.....	\$107, 536 36
1862.....		1869.....	79, 714 89
1863.....	226, 705 63	1870.....	90, 078 61
1864.....	223, 850 09	1871.....	71, 064 10
1865.....	165, 880 88	1872.....	191, 216 86
1866.....		1873.....	72, 284 42
1867.....	151, 282 81	1874.....	64, 640 72

The amount expended for relief of seamen in 1872 at Honolulu, in consequence of the disasters to shipping in the Pacific in that year, was \$121,855.42.

Average for fourteen years since 1861, \$125,000.

Mr. RANDALL. Year before last it was only \$39,000.

Mr. GARFIELD. The gentleman is mistaken.

Mr. RANDALL. I refer to the year 1874.

Mr. GARFIELD. For that very year it was over \$63,000.

Mr. SINGLETON. I hope the gentleman will allow this letter to be read.

Mr. GARFIELD. Not now.

Mr. RANDALL. If you want to get at the truth you will let it be read.

Mr. GARFIELD. Let it be read at the close of my remarks. Now, if you appropriate for this purpose only \$60,000, this will be the result: When the \$60,000 shall have been exhausted, drafts will be sent in from all parts of the world from which American seamen are sent home, and of course they will be dishonored, for there will be no money to pay them. There may be a hundred little drafts amounting in all to thirty or forty thousand dollars, from twenty different countries, sent by our consuls, and they will be dishonored simply because of this unnecessary effort to show a cutting down of expenses. There will be no more of this fund used than is called for under the strict letter of the law. Let us appropriate enough to cover what we understand to be the fair expectation of expenditures for this purpose. If it is not all used there will be no harm done. It is true the party will not have the credit of cutting down our expenditures by a few thousand dollars; but you will have saved American seamen from distress and also our Government from shame and protest. Let us do that.

I have only one other matter to refer to, I believe, and that is a very small one. It has been our custom for many years to appropriate a small fund with which to pay foreigners who by acts of gallantry save any of our citizens from shipwreck. Whenever some gallant English or French sailor has leaped into the sea and rescued an American seaman from death, our State Department has made him a small present, it may be a chronometer, a watch, a compass, or a medal, or \$50 in money, with a letter of recognition of his gallantry. It has been found that during the last forty years about \$5,000 a year has been used for these little testimonials. I believe it has averaged \$4,766 for eight years and never has gone above \$7,500. Now, if there is anything in the world which we ought to keep untouched, it is that little appropriation of \$5,000 for that worthy purpose, to let men all over the world know that, if they take care of an American citizen or save his life, they will have this memorial of the thanks of the United States to carry with them. Now the committee comes to that estimate and, following their new rule, divide it by two, making it \$2,500. Why should they higggle about a matter like this, which, though small in amount, is in its relations to the world and to our honor and our pride a great and important matter? I presume the provision of the bill on this point is an oversight; I do not think anybody would make such a reduction except as the result of oversight. Let it be corrected.

I have here a table carefully prepared in the Office of the Fifth Auditor, showing how much the great countries of the world, France, Russia, Great Britain, Spain, and the United States expend at the various consular ports where all these nations have consular offices. This table is very interesting, for it shows at a glance how valuable the consular service is supposed to be by these great powers of the world and how much we regard it as worth. It is a little mortifying to find that in every case the United States is away down at the foot of the list, even right at our very doors: in Cuba, in the islands of the Atlantic, and on the coasts of South America. So far as we can take the credit of economy while doing our work as well as they, let us glory in it; but I trust that this bill will not finally be put in such a shape that we shall be ashamed before the nations of the world for the way we treat our foreign and consular service. I close my remarks by appending the table; and when the bill is read by paragraphs, I will suggest some further amendments.

*Tabular statement taken from the official reports made to Parliament, in Great Britain, in 1872.*

Consulate.	Salaries.	Rent or allowances.	Remarks.
TRIESTE, AUSTRIA.			
Great Britain.....	£700	£100	
France.....	1, 280	146	
Italy.....	1, 490		
Spain.....	738		
Turkey.....	570	156	
United States.....	400		
COPENHAGEN, DENMARK.			
Russia.....	825	167	
Brazil.....	480		
United States.....	300		

Statement taken from the official reports made to Parliament, in Great Britain, &c.—Continued.

Consulate.	Salaries.	Rent or allowances.	Remarks.
<b>ALGIERS, (FRANCE.)</b>			
Great Britain.....	£1,050	£150	
Italy.....	800		And fees.
Spain.....	780	180	And clerks' salaries.
Sweden.....	680		And fees.
United States.....	300		
<b>HAVRE.</b>			
Great Britain.....	700	310	And clerk hire
Peru.....	600		
United States.....	600		
<b>PARIS.</b>			
Great Britain.....	1,140	200	And fees.
Russia.....	769		And two-thirds of fees.
United States.....	1,200		One consular clerk.
<b>HAMBURG.</b>			
Brazil.....	450	60	And fees.
France.....	1,480	160	And two clerks.
Italy.....	1,040	320	And part fees.
Russia.....	1,000	300	And fees.
Sweden.....	600	900	And vice-consul paid.
Great Britain.....	800	300	
United States.....	400		
As dispatch agent.....	150		
<b>LEIPZIG.</b>			
Austria.....	850	110	
France.....	920	120	And fees.
United States.....	400		
<b>GENOA.</b>			
France.....	880	600	
Russia.....	600	600	
Spain.....	800		And all expenses.
Great Britain.....	1,000		And all expenses.
United States.....	300		
<b>LEGHORN.</b>			
France.....	1,100	1,200	And fees.
Russia.....	320		And fees.
Turkey.....	373		
Great Britain.....	559		
United States.....	300		
<b>NAPLES.</b>			
France.....	1,788		And fees.
Russia.....	640		
Great Britain.....	600	300	
United States.....	300		
<b>PALERMO.</b>			
France.....	920		And fees.
Great Britain.....	450		
United States.....	300		
<b>VENICE.</b>			
France.....	1,200		And office expenses.
Austria.....	840		And office expenses.
Turkey.....	600		
Great Britain.....	1,000		
United States.....	200		
<b>MARSEILLES.</b>			
Austria.....	650	500	And office expenses.
Great Britain.....	900	300	
Italy.....	300	600	
Russia.....	760		Expenses paid by Government.
Spain.....	800	300	
United States.....	500		
<b>ROTTERDAM.</b>			
France.....	600		Two clerks and office expenses.
Great Britain.....	400		And fees.
United States.....	400		
<b>BATAVIA.</b>			
France.....	\$2,500		
United States.....	\$200		
<b>LISBON.</b>			
Great Britain.....	1,100	500	
United States.....	300		
<b>ODESSA, RUSSIA.</b>			
Austria.....	981	333	House, fuel, stationery, &c.
France.....	1,240	144	And necess'ry exp'nses.
Great Britain.....	878	300	Do.
Italy.....	1,480		Do.
Turkey.....	2,096	33	Office rent, &c.
United States.....	400		
<b>ST. PETERSBURG.</b>			
France.....	4,000		
Great Britain.....	750		
As Russian agent.....	1,000		
United States.....	400		

Statement taken from the official reports made to Parliament, in Great Britain, &c.—Continued.

Consulate.	Salaries.	Rent or allowances.	Remarks.
<b>CADIZ.</b>			
Great Britain.....	£700	£200	
Germany.....	600	220	
Russia.....	880		
United States.....	300		
<b>BARCELONA, SPAIN.</b>			
Austria.....	910	100	
France.....	1,370		And part of the fees.
Italy.....	730		
Great Britain.....	600	100	
Sweden.....	450	120	
United States.....	300		
<b>CUBA.</b>			
France.....	2,500		
Great Britain.....	1,200	600	
United States.....	1,200		Two consular clerks.
<b>SMYRNA.</b>			
France.....	2,432	1,300	And expenses of office.
Italy.....	668	1,080	
Great Britain.....	2,533		
Germany.....	1,120	60	House, office, and miscellaneous expenses.
United States.....	400		
<b>CARACAS.</b>			
France.....	1,520	240	
Great Britain.....	2,300		Fees.
United States.....			
<b>GUAYAQUIL.</b>			
United States of Colombia.....	2,000		
Pera.....	2,000		
Venezuela.....	1,200		
Great Britain.....	200	155	And fees.
United States.....	200		
<b>MONTIVIEDO.</b>			
Brazil, &c.....	250	1,600	
Denmark.....	1,360	360	
France.....	944		
Great Britain.....	800	250	
Italy.....	1,300	812	
Spain.....	1,560		
United States.....	400		
<b>BAHIA.</b>			
France.....	\$5,800	830	
Portugal.....	1,075	175	
Great Britain, (vice-consul).....	430	580	
United States.....	\$200		
<b>PERNAMBUCO.</b>			
France.....	880	420	
Portugal.....	700	500	
Great Britain.....	800	400	
United States.....	400		
<b>RIO DE JANEIRO.</b>			
France.....	2,141	318	
Italy.....	1,416	480	And office expenses.
Portugal.....	2,160	2,475	
Great Britain.....	1,800	1,006	
United States.....	1,200		
<b>PANAMA.</b>			
France.....	900	80	
Italy.....	1,600	120	
Peru.....	800		
Great Britain.....	1,800	200	
United States.....	600		
<b>CRETE.</b>			
Russia.....	1,075		
France.....	1,040		
Great Britain.....	700		
United States.....			Abolished.
<b>CONSTANTINOPLE.</b>			
Great Britain.....	4,800	{ 2,200 }	
Great Britain, judicial.....	5,032	{ 350 }	
Austria.....	2,538	230	House, lodgings, &c.
Italy.....	1,550		
Germany.....	2,086	750	
Russia.....	994		And expenses to \$3,000.
United States.....	600		
<b>BUCHAREST.</b>			
Austria.....	2,419	761	
France.....	2,100	250	And all office expenses.
Germany.....	2,355	225	
Greece.....	890	170	House, &c.
Russia.....	1,924	600	House.
United States.....	200		



Statement taken from the official reports made to Parliament, in Great Britain, &c.—Continued.

Consulate.	Salaries.	Rent or al- lowances.	Remarks.
BEIRUT.			
Great Britain.....	1,600	300	And all office expenses.
France.....	2,470		
United States.....	400		
TRIPOLI.			
France.....	1,560	400	And fees.
Italy.....	825		
Great Britain.....	1,300		
United States.....	600		
CAIRO.			
Austria.....	3,500	600	And all office expenses.
France.....	5,420	1,200	
Germany.....	2,100	120	For rent and expenses. And fees to \$2,000. And all expenses.
Great Britain.....	2,900	1,100	
Italy.....	1,200		
Russia.....	1,100		
United States.....	800		
NEW YORK, UNITED STATES AMERICA.			
Germany.....	6,000		.
Great Britain.....	3,560		
France.....	4,124		
Italy.....	2,640		
Russia.....	1,214		
Spain.....	2,431		

NOTE.—The United States salaries are computed at \$5 to the £ sterling, and all the amounts are in £'s.

The United States salaried consuls are entitled, in addition to the salaries specified, to office rent actually paid not to exceed 20 per cent. of this salary, and for stationery, postage, &c., actually used at their consulates, but no allowance is made for office furniture except a chair and book-case.

GEORGE COWIE.

FIFTH AUDITOR'S OFFICE, February 2, 1876.

Remarks of British consuls upon difference in cost of living as compared with former periods.

*Trieste*.—Increase about one-third in all except rent.  
*Denmark*.—From 1848 to 1868 increase in wages 25 per cent., meats 64 per cent., pork 52 per cent., butter 87 per cent.; house rent in greater proportion.  
*Nice*.—Local and general taxation since annexation to France has augmented the cost of living to an unprecedented extent, and since the war with Germany still further increase.  
*Hamburg*.—Rent 30 per cent., clerk hire 25 per cent., provisions 25 to 30 per cent. higher.  
*Leipsic*.—Rents 75 to 100 per cent. higher; provisions 25 to 30 per cent.  
*Ancona*.—Rents raised from £120 to £260; office from £22 to £44; provisions raise still greater.  
*Rome*.—House rent 100 per cent. higher; living 33½ per cent. higher.  
*Havre*.—Price of living increased; now higher than Paris.  
*Marseilles*.—Increase from 20 to 25 per cent.  
*Palermo*.—Price of living doubled and rents extremely high.  
*Oporto*.—Rents 100 per cent. higher; meats from 100 to 150 per cent. higher.  
*Cadiz*.—Rents and living 70 per cent. higher.  
*Smyrna*.—Rent 30 per cent., prices of living since Crimean war at least 100 per cent. higher.  
*Jerusalem*.—Rent 60 per cent. higher; vegetables, &c., 100 per cent. higher.  
*Cadiz*.—Rents doubled; provisions higher.  
*Callao*.—Everything from 40 to 50 per cent. higher.  
*Montevideo*.—House rents from £122 to £36; wages 50 per cent. higher.  
*Vatparaiso*.—Rents and living much increased.

Mr. DUNNELL obtained the floor.

Mr. DURHAM. If the gentleman from Minnesota [Mr. DUNNELL] yields, I move that the committee rise.

Mr. DUNNELL. I yield for that purpose.

Mr. RANDALL. The effect of that will be to cut off some of the general debate. I think that the discussion might be continued a little longer this afternoon.

Mr. HALE. It is almost five o'clock.

Many MEMBERS. Let us adjourn.

Mr. DURHAM. I think it is time to adjourn.

Mr. RANDALL. It is the desire of the Committee on Appropriations to pass this bill to-morrow. Gentlemen who do not want to stay and listen to the gentleman from Minnesota are not compelled to do so. I promise to stay; for I want to answer the objections the gentleman may make to the bill.

The CHAIRMAN. The motion of the gentleman from Kentucky [Mr. DURHAM] is of course in order, and will be put unless the gentleman withdraws it.

Mr. DURHAM. I insist on the motion.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOSKINS reported that the Committee of the Whole on the state of the Union, having had under consideration the consular and diplomatic appropriation bill, had come to no resolution thereon.

#### LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. COCHRANE indefinitely, on account of sickness in his family; to Mr. ROSS,

of Pennsylvania, for four days; to Mr. CABELL for one week, on account of illness in his family; and to Mr. LORD for one week, on account of important business.

#### WITHDRAWAL OF PAPERS.

Mr. SAYLER, by unanimous consent, obtained leave to withdraw from the files of the House papers in the case of Thomas Worthington; and

Mr. O'NEILL, papers relative to the Santillan land grant in California.

#### PAYMENT OF JUDGMENTS.

Mr. LORD. I ask unanimous consent that the House take from the Speaker's table, for the purpose of concurring in the Senate amendments, the bill (H. R. No. 1053) providing for the payment of judgments rendered under section 11, chapter 459, of the laws of the Forty-third Congress.

There being no objection, the bill was taken from the Speaker's table, and the amendments of the Senate were read, as follows:

In line 4 of the bill, strike out "be" and insert "have been."

Amend the title by inserting before the words "the Forty-third Congress" the words "the first session of."

The amendments were concurred in.

Mr. STEVENSON. I move that the House adjourn.

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

#### PETITIONS, ETC.

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

By Mr. CALDWELL, of Tennessee: Four petitions of citizens of Tennessee, for Wilkins W. Waggoner to be paid for property taken by the United States Army, to the Committee on War Claims.

By Mr. CASON: The petition of William A. W. Daly, for back pay as a United States officer, to the Committee on Military Affairs.

By Mr. CATE: The petition of citizens of Wisconsin, for a post-route from Clam Falls to Laramie, Wisconsin, to the Committee on the Post-Office and Post-Roads.

By Mr. CAULFIELD: Papers relating to the petition of Susan D. Anderson, for arrears of pay due her father as a lieutenant in the revolutionary army, to the Committee on War Claims.

By Mr. CHITTENDEN: The petition of Lafayette Avenue church, Brooklyn, New York, signed by the pastor, Rev. Theodore L. Cuyler, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. BANKS: The petition of Brevet Major-General Robert C. Buchanan, United States Army, for compensation for the use of his invention by the United States and for other relief, to the Committee on Military Affairs.

By Mr. BOONE: Papers relating to the petition of John Milton Best, for pay for property taken and used by the United States Army, to the Committee on War Claims.

By Mr. BROWN, of Kentucky: The petition of James C. Bacon and Robert R. Davis, for relief, to the Committee on Military Affairs.

By Mr. BURLEIGH: The petition of Polly Leighton, for a pension, to the Committee on Invalid Pensions.

By Mr. DAVY: The petition of citizens of New York, for the erection of public buildings at Rochester, New York, to the Committee on Public Buildings and Grounds.

By Mr. DE BOLT: The petition of R. D. Morrison and 400 others, for a mail-route from Milan to Trenton, Missouri, to the Committee on the Post-Office and Post-Roads.

By Mr. DURAND: Four petitions of citizens of Michigan, for authority for a bridge to be erected across Detroit River at Detroit, Michigan, to the Committee on Commerce.

Also, the petition of citizens of Michigan, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

By Mr. DURHAM: The petition of 170 citizens of Boyle County, for the repeal of the check-stamp tax, to the same committee.

By Mr. FRYE: The petition of 789 citizens of Steuben County, New York, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. GOODE: The petition of citizens of Virginia and North Carolina, for a post-route from Newsom's Depot, Virginia, to Murfreesborough, North Carolina, to the Committee on the Post-Office and Post-Roads.

By Mr. HANCOCK: Memorial of the Old Settlers, or Western Cherokees, for a balance of funds due them from the United States under treaty stipulations between the United States and the Cherokees, to the Committee on Indian Affairs.

By Mr. HARDENBERGH: Papers relating to the petition of Harvey Lull, for an extension of letters-patent for self-locking shutter-hinge, to the Committee on Patents.

By Mr. HATCHER: The petition of Frederick P. Sherry, for a pension, to the Committee on Invalid Pensions.

By Mr. HENKLE: Memorial of the president and directors of the Columbia Turnpike Road Company of the District of Columbia, that the commissioners of the District of Columbia be directed to pay them \$3,769 with interest, it being the amount awarded them by a

jury for property condemned by the board of public works, to the Committee for the District of Columbia.

Also, the memorial of Joseph L. Smith, in behalf of the county schools in the District of Columbia, to the same committee.

By Mr. HEWITT, of Alabama: The petition of Mrs. James Gamble, for a pension, to the Committee on Invalid Pensions.

By Mr. HOAR: The petition of G. A. Bourne, S. S. Cornish, and other citizens of New Bedford, Massachusetts, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

Also, the petition of H. F. Stone and 54 others of Concord, Massachusetts, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. HOGE: Memorial of the Fayetteville Light Infantry, of North Carolina; of the Washington Light Infantry, of South Carolina, and the Clinch Rifles, of Georgia, that the Secretary of War be authorized to issue to them three hundred and twenty improved breech-loading rifles, to the Committee on Military Affairs.

By Mr. HOPKINS: Resolution of the Chamber of Commerce of Pittsburgh, favoring the erection of one dam on the Ohio River, to the Committee on Commerce.

Also, the petition of several hundred citizens of Pittsburgh and Allegheny City, for aid to be extended the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. HURD: The petition of citizens of Ohio, for an appropriation for the improvement of the harbor of Port Clinton, Ohio, to the Committee on Commerce.

Also, the petition of citizens of Ohio, for an amendment to the Constitution taxing church property, to the Committee on the Judiciary.

By Mr. HUNTON: The petition of Robert Lewis, for pay for property destroyed by the United States Army, to the Committee on War Claims.

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

By Mr. JONES, of Kentucky: The petition of Josiah Shinkle, for pay for services rendered the United States, to the Committee on War Claims.

By Mr. KELLEY: The petition of Brevet Brigadier-General C. A. Finley, late Surgeon-General United States Army, for Congress to allow him the rank and pay of a colonel of twenty years' service to date from the 1st of July, 1870, to the Committee on Military Affairs.

By Mr. KETCHUM: Memorial of the heirs of Lieutenant John Jenkins, of the revolutionary army, for Congress to grant them the benefits of a resolution of Congress, approved March, 22, 1873, or of any other act or resolution of Congress granting pay or commutation to officers of the army of the Revolution who served to the end of the war, to the same committee.

By Mr. KIDDER: The petition of Ed. C. Howard and Dan. Harnett, for relief, to the Committee on Indian Affairs.

By Mr. LAWRENCE: The petition of L. Boyd and 80 others, for the abolition of official oaths, to the Committee on the Judiciary.

By Mr. MAGINNIS: Papers relating to the claim of W. A. Wheeler, United States marshal of Montana Territory, to the Committee on Claims.

By Mr. MCFARLAND: The petition of Nancy Lacey, for a pension, to the Committee on Revolutionary Pensions.

Also, the petition of Nelson Shelton, for pay as commutation of rations while a prisoner of war, to the Committee on Military Affairs.

By Mr. O'BRIEN: The petition of Rebecca C. Rhodes, for a pension, to the Committee on Revolutionary Pensions.

By Mr. PARSONS: The petition of Mrs. Louisa Prather, for pay for property taken and used by the United States Army, to the Committee on War Claims.

By Mr. PATTERSON: The petition of Joseph Schustler and other citizens of Central Colorado, proposing a plan to avoid the expense of lighting the earth from the sun, by substituting a system of lights invented by the secret people of the earth, to the Committee on the Centennial Celebration.

By Mr. PAYNE: The petition of Andrews, Hitchcock & Co. and 70 other firms and corporations of Cleveland, Ohio, engaged in the iron and coal business, for aid to be extended the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. PHELPS: The petition of Edward Ward and others, of New Haven, Connecticut, for the repeal of the resumption act, to the Committee on Banking and Currency.

Also, the petitions of Gustavus Twiss and others and of John W. Bishop and others, for the issue of 3.65 convertible gold bonds, to the same committee.

By Mr. PIERCE: The petition of W. M. Jenks, for prize-money on account of the capture of the Rosetta Havana, a confederate blockade runner, by the Western Metropolis, a United States transport, to the Committee on War Claims.

By Mr. POPPLETON: The petition of Albert Mills, Henry Allen, and 228 other citizens of Portage County, Ohio, first, for the appointment of a commission to investigate and report the effects of the liquor traffic in the United States on the health, intelligence, industry, prosperity, crime, and pauperism of the individuals, also upon the taxation, revenue, and general welfare of the country; second, for a law prohibiting the importation of alcoholic liquors from for-

eign countries; third, for the prohibition of the manufacture and sale of alcoholic liquors as a beverage in the District of Columbia, in the Territories, and all other places where Congress exercises exclusive jurisdiction; fourth, for a law regulating total abstinence from alcoholic liquors as a beverage on the part of all officials and subordinates in the civil, military, and naval service of the United States, to the Committee of Ways and Means.

Also, the petition of George L. Beach, C. C. Fuller, W. J. Lawrence, William H. Coe, George S. Fullerton, and 570 other citizens of Ohio, of similar import, to the same committee.

Also, the petition of L. B. Gurley and 700 other citizens of Ohio, of similar import, to the same committee.

Also, the petition of A. S. White, E. L. Hanson, B. H. Jacobs, and 360 other citizens of Grove City, Syracuse, and Port Clinton, Ohio, of similar import, to the same committee.

Also, the petition of Joseph Wykes, A. Dow, Thomas N. Shepherd, and 300 other citizens of Cory, Ohio, of similar import, to the same committee.

Also, the petition of Dr. E. W. Downs, C. M. Thrall, Rev. B. W. Slagle, and 570 other citizens of Ohio, of similar import, to the same committee.

Also, the petition of W. L. Camp, Julia A. Harman, Mary O. Dudley, M. Wall, T. M. Withgott, G. W. Holderman, and 406 other citizens of Ohio, of similar import, to the same committee.

Also, the petition of William George, David Wallace, and 112 other male citizens, over the age of twenty-one years, of New Concord, Ohio, of similar import, to the same committee.

Also, the petition of Frank H. Mills, E. H. Clarke, Charles N. Gallimore, and 390 other citizens of Ohio, of similar import, to the same committee.

Also, the petition of G. F. Mead and 600 other citizens of New Lisbon, Ohio, of similar import, to the same committee.

Also, the petition of Hon. Josiah Scott, W. C. Lemert, A. N. Jones, and 250 other citizens of Bucyrus, Crawford County, Ohio, of similar import, to the same committee.

Also, the petition of I. H. Headley, W. P. Wolf, A. H. Jenkins, and 365 other persons, male and female citizens of Ohio, of similar import, to the same committee.

Also, the petition of David Thomas, G. W. Brown, W. C. Milligan, and 235 other citizens of Ohio, of similar import, to the same committee.

Also, the petition of Miss S. E. Starr, Mrs. C. N. Teachout, and 95 other citizens of North Royalton, Cuyahoga County, Ohio, of similar import, to the same committee.

Also, the petition of E. Warner, R. S. Giles, and 312 other men and women of Ohio, of similar import, to the same committee.

Also, the petition of S. A. Bittenour, M. J. Jones, and 470 other citizens of Washington County, Ohio, of similar import, to the same committee.

Also, the petition of Joseph M. Turner, William Bonsher, and 175 other citizens of Reynoldsburgh, Ohio, of similar import, to the same committee.

Also, the petition of Harry C. Brooks, T. W. Carpenter, Alice L. Carroll, and 660 other citizens of Payneville, Ohio, of similar import, to the same committee.

Also, the petition of John H. Campbell, Joseph B. Jerome, S. Cole, and 240 other citizens of Randolph, Portage County, Ohio, of similar import, to the same committee.

Also, the petition of D. C. Stockwell, M. Raymond, A. A. Waters, James Norton, and 365 other citizens of Garrettsville, Ohio, of similar import, to the same committee.

Also, the petition of J. Patterson, Mrs. Sue Grabill, Jane Haines, George Carpenter, Sarah Kelly, and 401 other citizens of Windham, Rushsylvania, and other towns in the State of Ohio, of similar import, to the same committee.

Also, the petition of E. F. C. Alridge, Frank M. Call, E. Hill, and 90 other citizens of Mentor, Lake County, Ohio, of similar import, to the same committee.

Also, the petition of Homer Meachum, J. Richards, M. G. Hill, Franklin Emerson, and 140 other citizens of Paulding County, Ohio, of similar import, to the same committee.

Also, the petition of William Hoff, M. Dustan, and 320 other citizens of Miamisburgh, Ohio, of similar import, to the same committee.

Also, the petition of H. G. Shugart, J. W. Alloways, Elijah Thorne, Joseph Fitzwater, and 325 other citizens of Ohio, of similar import, to the same committee.

Also, the petition of G. D. Byron, D. A. Stinger, Francis J. Carrothers, R. H. Kimison, G. H. Cowder, and 590 other citizens of Ohio, of similar import, to the same committee.

Also, the petition of Ettie Jamison, Rebecca Daniels, Sarah Forsyth, and 213 other ladies, of New Concord and vicinity, Muskingum County, Ohio, of similar import, to the same committee.

Also, the petition of George W. Geddes, J. H. Reed, and 465 other citizens, of Mansfield and vicinity, Ohio, of similar import, to the same committee.

Also, the petition of J. A. Moose, H. M. Meads, E. F. Webster, Will A. Stevens, and 545 other citizens of Ohio, of similar import, to the same committee.

Also, the petition of Rev. B. H. Wallace and 1,090 other citizens of



Ohio, men and women over the age of twenty-one and eighteen, respectively, of similar import, to the same committee.

Also, the petition of R. M. Powers, M. Roberts, L. Curtis, Ella Haydock, and 418 other citizens of Ohio, men and women, of similar import, to the same committee.

By Mr. POTTER: The petition of 18 persons of Saint Joseph, Michigan, and also of 67 citizens of the same place, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

Also, the petition of W. W. Sweet, for an extension of the time in which he can apply for bounty under act of July 28, 1866, to the Committee on Military Affairs.

Also, papers relating to the petition of D. K. Sargent, for relief, to the same committee.

By Mr. RAINEY: Two petitions of citizens of Connecticut, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

By Mr. ROBBINS, of Pennsylvania: A petition, signed by a large number of names, favoring the extension of aid to the Texas Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. RUSK: The petition of Mrs. Sarah McCooley, for a pension, to the Committee on Invalid Pensions.

By Mr. SMITH, of Pennsylvania: Papers relating to the petition of the Columbia Bridge Company, for pay for damages done in the burning of the same by order of the United States authorities, to the Committee on War Claims.

By Mr. STEVENS: A paper relating to a post-route in the Territory of Arizona, to the Committee on the Post-Office and Post-Roads.

By Mr. STRAIT: The petitions of R. R. Turrin and 80 others, of Le Sueur County; of Thomas Welsh and 66 others, of Sibley County; of Martin Quinn and 40 others, of Scott County; of H. R. Denny and 63 others, of Carver County; of Mort Tousley and 169 others, of Le Sueur County; of William H. Sigler and 99 others, of Sibley County; and of a number of citizens of the Minnesota Valley, for the improvement of the Minnesota River by a system of locks and dams, to the Committee on Commerce.

By Mr. SWANN: The petition of John B. Braun, to be allowed to prosecute a claim against the United States for money paid the United States in excess of law, to the Committee of Claims.

Also, the memorial of S. H. Kettlewell, for pay for services and sufferings on the isthmus of Darien ship-canal expedition No. 1, to the same committee.

Also, the petition of John D. Stewart, for pay for property taken by the United States Army, to the Committee on War Claims.

By Mr. TARBOX: The petition of Nancy J. Leader, for bounty allowance, to the same committee.

By Mr. TERRY: A paper relating to a post-route in Virginia, to the Committee on the Post-Office and Post-Roads.

By Mr. TUCKER: A paper relating to a post-route from Gold Hill to Eldridge's Mills, Virginia, to the same committee.

By Mr. VANCE, of North Carolina: The petition of citizens of Wilmington, North Carolina, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. VAN VORHES: The petition of Henry M. Davis, for relief, to the Committee on War Claims.

Also, papers relating to the case of Peter M. Ward, to the Committee on Military Affairs.

By Mr. WARREN: The petition of Jerome Jones and other citizens of Boston, Massachusetts, for a reduction of duties on crockery ware, to the Committee of Ways and Means.

By Mr. A. S. WILLIAMS: Resolutions of the workingmen of Detroit, Michigan, favoring the immediate repeal of the resumption act, to the Committee on Banking and Currency.

By Mr. WOODBURN: The petition of Robert McBeth and 112 other citizens of Nevada, for the extension of mail-route No. 45116, from Battle Mountain to Galena, in that State, to the Committee on the Post-Office and Post-Roads.

By Mr. YOUNG: The petitions of John Farley, Matthias App, Indiana E. Hughes, and Edward Tucker, for the reconsideration of their claims disallowed by the southern claims commission, to the Committee on War Claims.

Also, papers relating to a post-route from Woodstock to Bettyville, in Shelby County, Tennessee, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Memphis, Tennessee, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

By Mr. —: The papers relating to the claim of M. W. Venning, for supplies taken for the use of the United States Army, to the Committee on War Claims.

By Mr. —: The petition of Rachael F. Pettit, for a rehearing of her claim against the United States disallowed by the claims commission, to the same committee.

By Mr. —: The petition of Mason Shipman, for a rehearing of his claim against the United States rejected by the claims commission, to the Committee on War Claims.

By Mr. —: List of applications for renewal of trusses for hernia, disability incurred while in the United States Army, to the Committee on Military Affairs.

## IN SENATE.

TUESDAY, February 8, 1876.

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

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

## HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

- A bill (H. R. No. 31) granting a pension to Patrick Glackin;
- A bill (H. R. No. 43) granting a pension to Elizabeth A. Neibling;
- A bill (H. R. No. 104) granting a pension to Edward C. Wheelock;
- A bill (H. R. No. 215) granting a pension to John G. Parr, of Kitting, Pennsylvania;
- A bill (H. R. No. 318) granting a pension to Annie Failey;
- A bill (H. R. No. 556) granting a pension to Alexander St. Bernard, of Saint Clair County, Michigan;
- A bill (H. R. No. 933) granting a pension to William D. Cobough;
- A bill (H. R. No. 995) granting a pension to G. W. La Pointe;
- A bill (H. R. No. 1044) granting a pension to Margaret E. West,
- A bill (H. R. No. 1347) granting a pension to Hattie D. McKain;
- A bill (H. R. No. 1596) granting a pension to Ruth Ellen Greeland;
- A bill (H. R. No. 1598) granting a pension to William R. Duncan;
- A bill (H. R. No. 1599) granting a pension to Frances C. Elliott;
- A bill (H. R. No. 1600) granting a pension to Jane A. Harris;
- A bill (H. R. No. 1601) granting a pension to Otis B. Anderson; and
- A bill (H. R. No. 1602) granting a pension to Margaret E. Cogburn.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (H. R. No. 83) for the relief of James A. Hile, of Lewis County, Missouri—to the Committee on Military Affairs.

A bill (H. R. No. 193) for the relief of Ezra B. Barnett, postmaster at Norwich, New York—to the Committee on Post-Offices and Post-Roads.

A bill (H. R. No. 231) for the relief of Robert Erwin—to the Committee on the Judiciary.

A bill (H. R. No. 247) for the relief of James M. Coffinberry, of Cleveland, Ohio—to the Committee on Claims.

A bill (H. R. No. 934) regulating the practice of United States circuit and district courts as to the time and manner of instructing juries and arguing the cause—to the Committee on the Judiciary.

A bill (H. R. No. 1595) for the relief of John T. Burchell, of Knoxville, Tennessee, for services rendered the Government in a small-pox hospital—to the Committee on Claims.

A bill (H. R. No. 1803) to provide for the appointment of commissioners to take affidavits &c., for the courts of the United States—to the Committee on the Judiciary.

The bill (H. R. No. 1802) making an appropriation to pay fourteen crippled and disabled Union soldiers from the 6th day of December, 1875, to the 30th day of June, 1876, was read twice by its title.

Mr. SARGENT. I ask that that bill be referred to the Committee on Appropriations.

Mr. EDMUNDS. What have those soldiers done?

Mr. SARGENT. I understand that they are extra to the ordinary roll of House employes, and have been paid in this manner from year to year. There is some peculiarity, some exceptional circumstance about this matter, and therefore I ask that the bill may be referred to the Committee on Appropriations.

Mr. EDMUNDS. I did not know but that they were those whose services had been dispensed with.

Mr. SARGENT. I understand that some of them have been dispensed with, and others of different politics have been put in instead. I do not know that that makes any difference in the justice of the claim in the mind of the Senator; it does not in mine. At the same time I would like to look into that and other circumstances.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Appropriations.

## COURTS IN CALIFORNIA, OREGON, AND NEVADA.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 53) fixing the time of holding the circuit court of the United States in the districts of California, Oregon, and Nevada.

The amendment of the House of Representatives was to strike out near the beginning of the second section the word "February" and insert "March;" so as to read, "that this act shall take effect on the 1st day of March, 1876."

The amendment was concurred in.

## PETITIONS AND MEMORIALS.

Mr. WITHERS presented the petition of Mary Hackley, praying that, as the legal representative of Robert J. Hackley, she may be allowed the preference right of purchase of one hundred and sixty acres of land, formerly located under the pre-emption laws of the United States by her husband in the State of Florida; which was referred to the Committee on Public Lands.

He also presented the petition of Frank G. Senseney and other heirs of Jacob Senseney, deceased, praying compensation for the use and