

IN SENATE.

TUESDAY, February 29, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.
The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed.

EXECUTIVE MANSION,
February 28, 1876.

To the Senate and House of Representatives:

I lay before you herewith a communication from the Secretary of the Interior, of date 26th instant, upon the subject of the deficiency of supplies at the Red Cloud agency, Nebraska.

This matter has been already presented to you by the Secretary, and the House of Representatives has requested an investigation by a military officer of the cause of this deficiency. I have taken proper steps to comply with this request of the House; but the present need of supplies is not disputed. A prolonged delay in furnishing provisions to these Indians will cause great distress, and be likely to provoke raids on white settlements, and possibly lead to a general outbreak of hostilities.

I therefore deem it proper to invite your attention to the importance of early and favorable action upon the estimates heretofore and herewith submitted.

These estimates and the views of the Secretary in regard to this emergency meet with my full concurrence, and I recommend that the appropriations asked for be made at the earliest day practicable.

U. S. GRANT.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Department of Agriculture, in obedience to the resolution of the Senate and House of Representatives of the United States of the 25th instant, transmitting to the Senate twenty-four hundred and fourteen copies of the annual report of this Department for the year 1873, accompanied with a list of the names of Senators to whom the same report has already been sent during the present session, with the number of copies sent to each; which was referred to the Committee on Agriculture, and ordered to be printed.

HOUSE BILLS REFERRED.

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. 21) supplementary to the third section of the act entitled "An act to divide the State of Virginia into two judicial districts"—to the Committee on the Judiciary.

A bill (H. R. No. 37) for the relief of William H. Nessel—to the Committee on the Judiciary.

A bill (H. R. No. 42) granting a pension to Francis Bernard—to the Committee on Pensions.

A bill (H. R. No. 80) granting a pension to Elizabeth B. Dyer, widow of Alexander B. Dyer, late brigadier-general, and Chief of Ordnance, United States Army—to the Committee on Pensions.

A bill (H. R. No. 81) for the relief of Wilber F. Chamberlain, of Lewis County, Missouri—to the Committee on Military Affairs.

A bill (H. R. No. 111) granting a pension to David J. Garrett—to the Committee on Pensions.

A bill (H. R. No. 216) granting a pension to Henry Schuetberg, of Indiana, Pennsylvania—to the Committee on Pensions.

A bill (H. R. No. 362) granting a pension to William J. Simms—to the Committee on Pensions.

A bill (H. R. No. 597) for the relief of Anderson J. Smith—to the Committee on Military Affairs.

A bill (H. R. No. 682) granting a pension to Morris Dwight—to the Committee on Pensions.

A bill (H. R. No. 859) for the benefit of Andrew Williams, of Weakley County, Tennessee—to the Committee on Public Lands.

A bill (H. R. No. 1118) granting a pension to Mrs. Jane Dulaney—to the Committee on Pensions.

A bill (H. R. No. 1348) granting a pension to Ruth Isabelle Naylor—to the Committee on Pensions.

A bill (H. R. No. 1460) granting a pension to Lidia A. Morris, widow of the late John K. Morris, Company A, Fifth Ohio Volunteer Cavalry—to the Committee on Pensions.

A bill (H. R. No. 1591) to pay De Witt C. Senter, of Tennessee, mileage and per diem for appearing under summons as witness before a committee of the Forty-first Congress—to the Committee on Pensions.

A bill (H. R. No. 1592) to re-imburse Horace Glover for property unlawfully seized and sold by the United States Government—to the Committee on Claims.

A bill (H. R. No. 1807) for the relief of Anthony Lawson, surviving partner of the firm of Lawson & Brewis, of Alexandria, Virginia—to the Committee on Finance.

A bill (H. R. No. 1808) for the relief of Daniel Wormer, of Albany, New York—to the Committee on Claims.

A bill (H. R. No. 1809) granting a pension to John A. Stewart—to the Committee on Pensions.

A bill (H. R. No. 1810) granting a pension to Elizabeth R. Hull—to the Committee on Pensions.

A bill (H. R. No. 1811) granting a pension to Fannie E. Records—to the Committee on Pensions.

A joint resolution (H. R. No. 58) authorizing an issue of clothing to

certain enlisted men of Company C, Sixth United States Cavalry—to the Committee on Military Affairs.

A joint resolution (H. R. No. 63) concerning the Centennial Autographic Register of F. B. Taylor and E. W. Bixby—to the Committee on the Library.

The bill (H. R. No. 29) for the relief of First Lieutenant Henry Jackson, Seventh Cavalry, United States Army, was read twice by its title.

Mr. INGALLS. That bill is an exact transcript of a bill introduced in the Senate and acted upon favorably by the Committee on Claims. It now stands upon the Calendar, and to save the trouble of another reference and another report, I would ask the indulgence of the Senate that it may be acted upon now.

The PRESIDENT *pro tempore*. The bill will be read at length, subject to objection.

The Chief Clerk read the bill.

Mr. EDMUNDS. The bill had better be referred.

Mr. INGALLS. It has been referred and acted upon favorably by the Committee on Claims and is now on the Calendar with the report of the committee.

Mr. WRIGHT. Will my friend be good enough to state its order on the Calendar?

Mr. INGALLS. I ask the Clerk to procure the files and read the report of the committee.

Mr. EDMUNDS. Let it go over until to-morrow, and we can look at the report.

Mr. WRIGHT. I think my friend from Kansas had better let it go over until to-morrow. I do not remember any such bill as that reported from the Committee on Claims.

Mr. INGALLS. It was reported by the Senator from Alabama not now in his seat, [Mr. SPENCER.]

Mr. WRIGHT. The Senator from Alabama is not a member of the Committee on Claims.

The PRESIDENT *pro tempore*. Senate bill No. 27 was reported by the Committee on Military Affairs.

Mr. INGALLS. What is its order of business?

The PRESIDENT *pro tempore*. It is No. 70 in the order of business.

Mr. INGALLS. On the top of page 5 in the current Calendar.

Mr. WRIGHT. I was very certain that no such bill had been before the Committee on Claims.

Mr. INGALLS. It was reported from the Committee on Military Affairs of the Senate.

Mr. WRIGHT. I think that is the case; but I think the bill had better be passed over until to-morrow, or at least that it should have a reference.

Mr. INGALLS. I cannot understand the necessity for any further reference because it has been already acted upon by the Committee on Military Affairs and reported by it.

Mr. EDMUNDS. Am I to understand that there is a printed report?

Mr. INGALLS. There is; and I ask that it be read.

Mr. EDMUNDS. Let the bill go over until to-morrow and we can look at the report. The matter has never been up before. The Senator does not object to that course?

Mr. INGALLS. No, sir, I have no objection.

Mr. EDMUNDS. It will not make any special difference to the Senator?

Mr. INGALLS. Nothing, except that this officer's accounts have remained suspended for I think two or three years in consequence of the failure of Congress to pass a bill in his favor. It is an act of simple justice to him, and certainly it ought to have the immediate action of the Senate.

Mr. EDMUNDS. It does not look so clear to me.

The PRESIDENT *pro tempore*. Does the Senator from Vermont object to the present consideration of the bill?

Mr. EDMUNDS. Yes, sir.

The PRESIDENT *pro tempore*. The bill will lie on the table.

Mr. EDMUNDS. Let the bill be printed. It is a House bill and ought to be printed.

The PRESIDENT *pro tempore*. The order to print will be made.

PETITIONS AND MEMORIALS.

Mr. McMILLAN. I present a petition of citizens of Minnesota, praying for the establishment of a semi-weekly mail-route from Albany Station to Leedston, in that State. I beg leave to say that the petition is directed to the Postmaster-General, but it is evidently intended for the Senate. I move its reference to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. FRELINGHUYSEN presented the petition of O. N. Bancroft and several other citizens of Ocean County, New Jersey, praying that Treasury notes be received for taxes, duties, &c., and be made interchangeable for Government bonds, and that the bank currency may be reduced 25 per cent. annually and supplied by greenbacks; which was referred to the Committee on Finance.

Mr. WINDOM presented the petition of 1,104 citizens of Wisconsin, praying for an appropriation to complete the Fox River improvement and for the construction of a canal along the Wisconsin River from Portage City to Prairie du Chien, Wisconsin, according to the

third plan recommended by General Warren; which was referred to the Committee on Commerce.

Mr. LOGAN presented the petition of William Aldrich, president of the Merchants' Exchange, and other merchants of Chicago, Illinois, praying for the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

He also presented the petition of Field, Lester & Co., John V. Farwell & Co., Stettin Brothers, and other leading merchants of Chicago, praying for the repeal of the bankrupt law, the repeal to take effect at a date not later than July 1, 1876; which was referred to the Committee on the Judiciary.

He also presented the petition of Nicholas Vedder, late additional paymaster United States Army, praying to be allowed a credit of \$1,500 in the settlement of his accounts for an alleged overaddition in payments to troops, and also to have refunded to him out of the Treasury the sum of \$6,500 alleged to have been stolen from him by Major H. K. Lawrence, who was assigned to count certain moneys transferred to him by Major H. O. Brigham, chief paymaster at New Orleans in the year 1863; which was referred to the Committee on Claims.

Mr. DORSEY presented the petition of citizens of Columbia County, Arkansas, praying Congress to aid in the construction of the Texas Pacific Railroad; which was referred to the Committee on Railroads.

Mr. WHYTE presented the petition of Samuel C. Barney, late a lieutenant on the retired list of the United States Navy, praying that he may be restored to the retired list; which was referred to the Committee on Naval Affairs.

Mr. DENNIS presented the petition of Samuel Harlan and others, officers of the Eastern Shore Steamboat Company, praying an appropriation for the improvement of the navigation of the Pokomoke River; which was referred to the Committee on Commerce.

Mr. BOOTH presented a memorial of the Legislature of California, in favor of such legislation as may afford protection to the actual settlers on certain lands in that State with due respect to the rights of the Central Pacific and Western Pacific Railroad Companies; and, further, that the Commissioner of the General Land Office and the Secretary of the Interior be requested to suspend further action touching either the issuance to said railroad companies of any evidence of title to said lands or the cancellation of the evidences of title heretofore issued by the United States to those who have been made patentees under the laws of the United States, and take such action as will protect the actual settlers in all such cases; which was referred to the Committee on Public Lands.

Mr. MITCHELL presented the petition of E. R. Abraham and others, praying for the removal of the parking and fencing on square 634, in the city of Washington, District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. CONKLING presented a petition of citizens of Lowville, New York, praying the repeal of the bankrupt act; which was referred to the Committee on the Judiciary.

Mr. SARGENT. Yesterday my colleague [Mr. BOOTH] presented a memorial of the Legislature of California, asking for appropriate legislation to give the people of that State lower charges for the transmission of telegraphic messages, the price now paid being twenty-five cents a word, which is an illustration perhaps of the difficulty throughout the whole country. Several bills are pending before the Committee on Post-Offices and Post-Roads relating to that matter. The resolution of the Legislature of California was referred to the Committee on Commerce, which is not, I believe, considering the subject. If in order, I ask that a change of reference be made, and that the memorial be referred to the Committee on Post-Offices and Post-Roads.

The PRESIDENT *pro tempore*. The Chair hears no objection, and that change of reference will be made.

REPORTS OF COMMITTEES.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (S. No. 75) to amend section 5138 of the Revised Statutes of the United States, permitting national banks to organize with a capital of \$50,000 in towns irrespective of population, to report it back, with a written report, adversely. I move, unless the Senator from Kansas [Mr. INGALLS] objects, that the bill be indefinitely postponed.

Mr. INGALLS. I have received numerous communications from national banks and banking corporations, both in cities and in rural districts, all urging that some measure of this kind might receive favorable action at this session of Congress, and, if the Senator from Ohio has no objection, I would like to have the bill go upon the Calendar, with the adverse report of the committee.

Mr. SHERMAN. Very well.

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

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. No. 389) for the relief of Edward Corselius and seven other persons, late members of the First Michigan Cavalry Veteran Volunteers, 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. 349) for the relief of Evin Hughs, 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. 377) for the relief of the widow of Harvey Hensley, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the bill (S. No. 4) for the relief of William Bowlin, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 163) for the relief of J. M. Thompson, late chaplain First South Carolina Volunteers, afterward Thirty-third United States Colored Troops, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. CAMERON, of Pennsylvania, from the Committee on Foreign Relations, to whom was referred the petition of C. W. Brink, praying compensation while employed in carrying dispatches from the United States minister at Mexico to the United States Government at Washington, during the year 1869, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. No. 2) authorizing Rear-Admiral John J. Almy, United States Navy, to accept a decoration from the King of the Hawaiian Islands, reported it without amendment.

Mr. CAMERON, of Pennsylvania. I am also directed by the same committee, to whom was referred the joint resolution (H. R. No. 65) authorizing Edwin James, consular agent at San José, to accept a piece of plate from the Queen of Great Britain, to report it without amendment. This person rendered very important service to Great Britain, as is detailed in a letter from the British minister.

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

E. RUMSEY WING.

Mr. CAMERON, of Pennsylvania. I am also directed by the Committee on Foreign Relations, to whom was referred the bill (S. No. 382) to appropriate \$1,000 to remove the remains of Hon. E. Rumsey Wing, late minister to Ecuador, from Quito to the cemetery at Louisville, Kentucky, to report it with an amendment; and if there is no objection I ask for its present consideration.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. EDMUNDS. I would like to have that explained a little, and know what are the precedents for it before I object.

Mr. CAMERON, of Pennsylvania. The Senator from Kentucky [Mr. McCREERY] can explain it better than I can.

Mr. EDMUNDS. It ought not to be done except in case of extreme destitution. Does the Senator from Pennsylvania know any precedent for it?

Mr. CAMERON, of Pennsylvania. The Senator from Kentucky will be good enough to explain.

Mr. McCREERY. The only explanation that I can make is that Hon. E. Rumsey Wing was appointed minister from this country to the court of Ecuador, in South America, where he died in the discharge of his duty. An appropriation of \$1,000 has been made heretofore for the removal of the remains of a former minister, as I have been informed by the Secretary of State. I introduced this bill upon the settled practice, as I regarded it, of this country. The same amount was appropriated for the removal of the remains of Minister Coggeshall that we ask in this instance. I do not suppose there is any serious question about this matter or any doubt of the power of this Government any more than there would be to transfer the remains of a member of this body dying here to his home for interment.

Mr. EDMUNDS. As far as I recollect, the precedent to which the Senator from Kentucky refers was a case where it appeared, and was so reported by the Committee on Foreign Relations, that the minister died in extreme destitution, and that his family and friends were from poverty absolutely unable to provide for his body being brought back to the United States, and on that ground the law was passed. Although that is pretty doubtful ground, still we did it. If this case is of that character, then the instance referred to would be a precedent. I would like to ask the Senator from Kentucky what was the condition of this gentleman, when he died, as to pecuniary resources?

Mr. McCREERY. I dislike to go into any gentleman's private affairs on an application of this sort; but Mr. Wing was a young man. He was a man of capacity, a man of character, but as far as this world's goods are concerned I think, although he could not have been styled destitute, he was probably in what might be termed reduced circumstances. I do not know that his family could undergo the charge of the removal of his remains. I do not know that they are able to do so. I suppose probably the remarks which were made in reference to the case to which the gentleman alludes may be equally applicable to Mr. Wing. I believe what I have stated with regard to Mr. Wing, that he had little beyond his capacity and integrity. I hope that the Senator from Vermont will withdraw his objection and allow the Senate to proceed with the consideration of this bill. I knew Mr. Wing very well, knew him from his birth, and I have rarely known a more accomplished gentleman, or a young man of higher promise or brighter prospects.

Mr. BOGY. I would inquire of the Senator from Kentucky if it is intended that this bill should pass by the vote of the other side of

the House exclusively? because this side has not heard a word which he has said. If he expects to get our votes, we should be very glad to hear his statement.

Mr. EDMUNDS. Let the bill go over until to-morrow.

Mr. BOGY. If the Senator from Kentucky has deserted his side and gone over to that side, if it is an exclusive thing of that kind, we have nothing to do with it.

Mr. MCCREERY. I did not know that there was any objection on that side. I was addressing my remarks principally to the objector. I did not know that the Senator from Missouri had any objection whatever to the appropriation for the removal of the remains of Mr. Wing.

Mr. BOGY. We may have no objection, but we are anxious to hear the Senator always, and I therefore ask him to speak a little louder.

Mr. MCCREERY. The Senator from Vermont, as the Senator from Missouri, may not have heard his last remark, proposes that the bill shall go over until to-morrow.

Mr. EDMUNDS. I think the bill had better go over, and we will look at the precedents.

The PRESIDENT *pro tempore*. The bill will go over.

LIEUTENANT HENRY METCALFE.

Mr. CAMERON, of Pennsylvania. I am also directed by the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. No. 5) authorizing First Lieutenant Henry Metcalfe, of the Ordnance Department, United States Army, to accept a decoration from the Sultan of Turkey, to report it back without amendment, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes First Lieutenant Henry Metcalfe, of the Ordnance Department of the United States Army, to accept a decoration of the Order of the Osmanie, which has been tendered him by the Sultan of Turkey as an evidence of his appreciation of the efforts of that officer in conducting the inspection of arms and ammunition now making for the imperial Ottoman government in the cities of Providence, Rhode Island, and Bridgeport and New Haven, Connecticut.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF REVOLUTIONARY OFFICERS.

Mr. ANTHONY. I am directed by the Committee on Printing, to whom was referred the resolution to print one thousand extra copies of the report of the Committee on Revolutionary Claims for the use of the Senate, to report back the same without amendment and recommend its passage. I ask for its present consideration.

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That one thousand extra copies of the report of the Committee on Revolutionary Claims on Senate bill No. 137 be printed for the use of the Senate.

REDEMPTION OF TAX LANDS.

Mr. BAYARD. I am instructed by the Committee on Finance, to whom was referred the bill (S. No. 84) extending the time for the redemption of lands held by the United States under the several acts levying direct taxes, and for other purposes, to report it without amendment. If there be no objection, as the bill, if it is to have effect, had better be passed at once, I ask for its present consideration.

By unanimous consent, the Senate as in Committee of the Whole proceeded to consider the bill which extends to February 1, 1877, the time within which lands held by the United States under the several acts levying direct taxes may be redeemed, and provides that the expenses already incurred in preparing for the sale of lands held by the United States under the several acts levying direct taxes may be paid out of any money in the Treasury not otherwise appropriated by law.

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

PERSONAL EXPLANATION.

Mr. MORTON. I rise for a moment to a personal explanation. I find in the Baltimore Sun of this morning what purports to be the evidence of James E. Lyon, of Racine, Wisconsin, before the Committee on Foreign Affairs in the House yesterday, relating to the Emma silver mine speculation. This I believe is the report of the Associated Press.

Mr. Lyon said that originally he owned a one-third interest in the Monitor lode, which afterward became the Emma mine, and detailed at length how Henry H. Baxter and T. W. Parke came to purchase an interest in the Monitor lode for \$375,000. Suits arose, and the witness, to secure his right, employed ex-Senator Wm. M. Stewart, of Nevada, and General Hilyer, under a written contract, as his counsel. He and Stewart visited Salt Lake City, where they met Senator MORTON, to whom Stewart related the difficulty of obtaining a trial in the courts of that Territory. Mr. MORTON said it was all wrong, when Mr. Stewart replied that if Mr. MORTON would assist he should have \$20,000. An effort was made to have Judge McKean removed, but without success. They objected to McKean because he was engaged in trying in his own court a case in which he was interested, being the president of and a large shareholder in a company engaged in litigation with another similar mining company.

This statement would leave the impression, perhaps, that I had accepted a fee of \$20,000 in that case, and that I had participated in the attempt to have Judge McKean removed. In it there is not one syllable of truth. The whole matter is this: I was on my way home from Congress at the adjournment in 1871, I believe it was. Mr. Stewart,

then a member of this body, came to me on the train between here and Pittsburgh and stated the circumstances of a lawsuit then pending in the Territory of Utah. He made some statement in regard to the conduct of the court, and wished to have me retained as assistant counsel in the case, stating that if he should be successful I would receive a large fee. I do not think any sum was mentioned. He introduced to me a gentleman on the train, one of the parties in interest, who I am now informed is Mr. Lyon, this witness. I supposed at first that it was legitimate, professional employment, and told Mr. Stewart that I would take it under advisement, and, if I thought well of it, I would accede to his wish to meet him at Salt Lake City and examine into the case. He proposed that I should come there and consult with him in regard to it at a certain time. In that way we parted. Afterward I became satisfied that it was not a case in which I, as a member of the Senate of the United States, could engage. I received a dispatch from Mr. Stewart to meet me in Salt Lake City. I declined to go. I never did meet him there. I never had anything to do with the Emma Mine case. I never had any conversation with him afterward in regard to the subject, and the whole matter dropped right there. I became satisfied that the object of the parties—I will not say that it was Mr. Stewart's purpose—was to secure not my professional services, but my political influence in the removal of the judge. I declined to have anything to do with it. I never saw Mr. Stewart or Mr. Lyon in Salt Lake City. I went before the Committee on Foreign Affairs in the House this morning, and met Mr. Lyon there. I made my statement, which Mr. Lyon agreed was strictly correct. He said he did not testify that I had met him or Mr. Stewart in Salt Lake City or that I had ever taken a fee. This is the whole matter. My whole connection with the matter was that a fee was offered to me in the case, which, upon reflection, I afterward declined to accept, and I had nothing whatever to do with it.

BILLS INTRODUCED.

Mr. COCKRELL. I desire by request to introduce a bill, and I ask that the bill and accompanying memorial be printed and referred to the Committee on Railroads.

Mr. SHERMAN. I object to the memorial being printed.

Mr. COCKRELL, by unanimous consent, was granted leave to introduce a bill (S. No. 523) granting a charter to the New York and Mazatlan Air-Line Railroad, Telegraph and Immigration Company; which was read twice by its title.

Mr. COCKRELL. I ask that the bill be printed and referred to the Committee on Railroads.

Mr. SHERMAN. I not only make objection to printing the memorial, but I object to printing long bills that are so often introduced by us, by myself as well as other Senators, by request. It costs much to print a long bill, and sometimes these bills presented by request are never taken up. The title of the bill just presented is very airy, I notice. Still I have no great objection to printing the bill, but, as to printing memorials, it ought never to be done.

Mr. COCKRELL. I do not insist on printing the memorial, and I desire to say in connection with the introduction of this bill that I know nothing of it at all. I introduce it by request, and I am not to be considered as being for or against it.

The bill was referred to the Committee on Railroads, and ordered to be printed.

Mr. KEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 524) to amend section 1002 of the Revised Statutes relating to the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 525) to amend section 994 of the Revised Statutes relating to the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 526) to amend section 1036 of the Revised Statutes relating to the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 527) for the relief of Major Nicholas Vedder, paymaster United States Army; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. CHRISTIANCY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 528) to incorporate the Capital Gas Company of the District of Columbia; which was read twice by its title.

Mr. CHRISTIANCY. I introduce this bill by request. I do not ask that it be printed. It is House bill No. 2166. I ask its reference to the Committee on the District of Columbia.

Mr. MORRILL, of Vermont. I wish to say that the Committee on Public Buildings and Grounds do not desire to monopolize any business; but they have a bill now before them in relation to another gas company, which was first referred to the Committee on the District of Columbia. I therefore submit to the Senator from Michigan that this bill be referred to the Committee on Public Buildings and Grounds.

Mr. CHRISTIANCY. I have no objection to that reference.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Public Buildings and Grounds if there be no objection.

Mr. INGALLS. I have been requested to introduce a bill, and I do so without committing myself to its provisions, for I have not had the time to examine it.

By unanimous consent, leave was granted to introduce a bill (S. No. 529) for the liquidation of the debt of the Kansas Pacific Railway Company to the United States; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 530) to re-imburse purchases at direct-tax sales in Arkansas, declared illegal by United States courts in consequence of a defective board of commissioners; which was read twice by its title.

Mr. DORSEY. I suggest that the bill be referred to the Committee on Claims.

Mr. WRIGHT. I think that matter legitimately belongs to the Committee on Finance. It has been there before, at the last session, and I think the bill should be referred to that committee.

Mr. DORSEY. I have no objection to that reference.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Finance and printed, if there be no objection.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 531) for the relief of Captain James M. Beebe; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. KERNAN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 532) to authorize the restoration of Nathan D. A. Sawyer to the rank of captain and quartermaster in the Army; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. MORRILL, of Maine, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 533) to explain and perfect previous legislation relating to expenses of the United States commissioner to the international prison congress; which was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 534) to establish a mail-route; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 535) granting a pension to Armstead Goodlow; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 536) granting the right of way through the public lands for wagon-roads over the Blue Mountains, in the State of Oregon; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

WORKS OF ART AT THE CENTENNIAL.

Mr. MORRILL, of Vermont, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Buildings and Grounds be instructed to inquire as to the expediency of allowing artists having examples of their works in the National Statuary Hall the privilege of exhibiting the same at the Centennial Anniversary of American Independence in Philadelphia, with conditions for their safe return.

MILITARY ACADEMY APPROPRIATION BILL.

The PRESIDENT *pro tempore*. If there be no further resolutions, the morning hour has expired, and the unfinished business of yesterday is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877, the pending question being on the amendment of the Committee on Appropriations to strike out, commencing on line 35, page 2, the following words:

For sixteen musicians for companies, \$2,496: *Provided*, That sections 9 and 10 of the act approved March 3, 1875, entitled "An act making appropriations to supply deficiencies in the appropriations for fiscal years ending June 30, 1875, and prior years, and for other purposes," be, and the same are, repealed.

And in lieu thereof to insert:

For pay of Military Academy band, \$14,880.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was on page 3, lines 51 and 52, to increase the appropriation "for repairs and improvements and for pay of citizen mechanics and laborers employed upon repairs that cannot be done by enlisted men" from \$12,000 to \$14,500.

Mr. EATON. I hope, before we agree to the committee's amendment increasing the expenditures, that the chairman of the committee will inform us of the necessity of it.

Mr. ALLISON. I will state that the estimates provide for \$22,500 to carry on the ordinary repairs of the different buildings at West Point. The Committee on Appropriations of the House fixed the sum at \$12,000. Upon consultation and examination at the proper places, the Committee on Appropriations of the Senate thought that \$14,500 was actually necessary to keep these buildings in proper repair, and

therefore they have added \$2,500 to the appropriation as the bill came to us from the House. I can assure the Senator from Connecticut that this sum is necessary to keep in proper preservation the numerous buildings at West Point.

Mr. EATON. I notice the bill coming from the other House calls for \$12,000 for repairs that cannot be done by enlisted men. Do I understand the chairman of the committee or its organ, the Senator who reports this bill, to say that such an examination has been made so that he is able to say that the necessary repairs cannot be done by enlisted men unless we appropriate \$14,500 instead of \$12,000? Has there been an accurate examination?

Mr. ALLISON. I will say to the Senator from Connecticut that there has been a very accurate and careful examination of the necessary cost of these repairs. I have before me a detailed statement of the expenditures of last year covering every item. Last year there was expended in all eighteen thousand eight hundred and twenty-eight dollars and some odd cents for this purpose. The War Department assures us from correspondence with the proper officers of the academy that the sum of \$14,500 is absolutely necessary to maintain the buildings in proper condition. I have somewhere the statement of the Secretary of War upon that point, but I cannot lay my hand on it at this moment. The subject was very carefully and thoroughly examined, I will say to the Senator from Connecticut.

Mr. EATON. It strikes me as a very singular fact that there should be any difference of opinion between the Senator from Iowa and any member of the House committee in regard to the absolutely necessary repairs upon the buildings at West Point. Certainly, there ought not to be. I do not desire to interpose any objection to the appropriation of a sufficient sum of money to take the necessary care of all the buildings of that institution.

Mr. ALLISON. I now lay my hand upon the memorandum, and if the Senator from Connecticut will hear it read I will send it to the desk.

Mr. EATON. I do not care to hear it. If the Senator has the information, that is all I require.

Mr. ALLISON. Very well.

The PRESIDENT *pro tempore*. The question is on the amendment. The amendment was agreed to.

The next amendment of the Committee on Appropriations was on page 4 line 70, to increase the appropriation "for the compensation of the clerk to disbursing officer and quartermaster" from "\$1,200" to "\$1,500."

The amendment was agreed to.

The next amendment was on page 4 after line 70, to insert the following:

For clerk to adjutant, \$1,500. For clerk to treasurer, \$1,500.

Mr. EATON. I should like to know the necessity for this. I imagined that the honorable Senator from Iowa preferred to give \$1,500 instead of \$1,200 to one clerk, and therefore I did not care about interposing any objection to the amendment just agreed to; but here is an addition of \$3,000 for two employes which the other branch of Congress did not suppose were necessary.

Mr. ALLISON. The clerk to the adjutant is also clerk of the academic corps, keeps the books and records of the academic corps, and is really the clerk to the Military Academy. The officers of the academy say this clerk is absolutely essential to the proper conduct of the business of the academy. If a separate appropriation is not made for the purpose, a clerk will be employed and paid out of the ordinary pay given to the cadets. This clerkship, I believe, was established in 1826, and a clerk has been kept there performing those duties continuously from that time until now. It is said that we cannot get along without this officer. I do not see myself how we can very well dispense with him. The clerk to the treasurer keeps the individual accounts of the cadets. Of course he is obliged to keep an accurate account of all their expenditures. There being on an average three hundred and ten cadets at the academy, it seems to me his services are absolutely necessary. Therefore the committee have inserted these two items.

Mr. EATON. I am not quite satisfied with the explanation. It does not seem to me that another committee who have examined this matter with great thoroughness could have made two mistakes of this character. If it were unnecessary that there should be two clerks—for clerk to adjutant, \$1,500; for clerk to treasurer, \$1,500—what necessity is there that the treasurer of that institution should have a clerk? I do not know but that he ought to do the business himself.

Mr. ALLISON. I ask the Secretary to read on page 6 of the statement I send to the desk the lines that I have marked. I think the explanation there given will satisfy the Senator from Connecticut.

The Chief Clerk read as follows:

Forty-one and forty-two. The clerk to the adjutant and the clerk to the treasurer, estimated for each at \$1,500 but stricken out by the committee, are so very necessary for the proper conduct of business at the academy, that their retention cannot be too strongly urged. Enlisted men suitable for the duties cannot be had, and such duties have relation to the academy and not to the post of West Point. There has been a clerk to the adjutant of the academy ever since 1826, and one has been regularly provided for since 1834. He is in no sense a secretary to the adjutant. He is required to keep all the records relating to the cadets, to make out rolls and returns, and to record the proceedings of the academic board; and there has never been found an enlisted man who could, even temporarily, supply his place. Attention is invited to the letter of the adjutant, Colonel Robert H. Hall, appended, marked A.

The treasurer's clerk has also been recognized since 1833. He is the book-keeper for cadets' accounts. An account is kept with each cadet, and his duties cover the preparation of returns and all other transactions that fall within the province of the treasurer, whose business relates to the affairs of the cadets, and who also performs the duty of an instructor. Even if the duties of a book-keeper could with propriety be expected of this officer, he has no time to perform them, and an assistant is absolutely necessary. His principal responsibility is the care of and accountability for the money received from the paymaster on account of cadets, and the disbursement thereof under orders and regulations.

Mr. MAXEY. The fact is that the cadets never draw that money at all. Their entire accounts are kept as stated in the paper that has just been read at the desk; and when you consider that there is a cadet appointed by every member of the House of Representatives and every Delegate from a Territory, that there are ten from the United States at large, and all those accounts have to be kept for every item of expenditure, however small, by each cadet, the cadet not drawing any money, it becomes apparent that the services of a clerk are necessary. Until I heard the statement read a moment ago, however, I did not know what was the amount of his salary; but I am quite satisfied with its correctness.

Mr. EATON. It does not manifestly appear to me, as it manifestly appears to the Senator from Texas, nor do I believe that the treasurer cannot keep his own accounts while sitting in his arm-chair at the academy.

Mr. ALLISON. The treasurer is also an instructor at the academy, and is constantly employed.

Mr. EATON. If he is constantly employed in doing something else, then the clerk had better be called the treasurer, it seems to me. However, I see my friends are determined that there shall be no retrenchment here under any circumstance, and all I can do is to vote against these amendments.

Mr. SARGENT. In reply to the remark of my friend from Connecticut I would like to say that the committee themselves considered that in this bill they had cut off every dollar that could be spared. There is retrenchment in the bill, and we did not go further because we thought that to do so would be injurious to the service.

Mr. EATON. I have no doubt that the Senate Committee on Appropriations have done what they considered to be right; but what suited them, or what they believed to be right, may not suit me. Therefore I am opposed to the amendments.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee.

The amendment was agreed to; there being on a division—ayes 23, noes 20.

The next amendment of the Committee on Appropriations was on page 5, after the word "dollars," in line 101, in the appropriation for department of chemistry, mineralogy, and geology, to insert the words—

Pay of mechanic employed in chemical and geological section rooms and in lecture room, \$1,050.

The amendment was agreed to.

The next amendment was on page 5, line 108, in the appropriation for department of natural and experimental philosophy, to increase the item "for additions to the apparatus to illustrate the laws in mechanics, optics, and acoustics" from \$600 to \$1,000, and to insert at the end of the paragraph the words—

For pay of mechanic, \$1,000.

The amendment was agreed to.

The next amendment was on page 6, line 120, to strike out "one" and insert "two," and at the end of the paragraph of the appropriations for department of law to insert:

Provided, That the professor of law may be commissioned in the same manner as the other professors.

So that the clause will read:

For text-books and stationery and books of reference for the use of instructors, \$200: *Provided*, That the professor of law may be commissioned in the same manner as the other professors.

The amendment was agreed to.

The next amendment was on page 7, line 151, to increase the pay of librarian's assistant from \$120 to \$1,000.

The PRESIDENT *pro tempore*. The question is on the amendment just reported.

The question being put, there were on a division—ayes 20, noes 23.

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

The yeas and nays were ordered.

Mr. ALLISON. I desire to say one word in explanation of this amendment. The adjutant of the post is the librarian. Of course his duties are the ordinary duties of an adjutant, having care of the four companies and of the post. An assistant must be employed who will be constantly in the library receiving and delivering books to the students and others entitled to them. If I may state what occurred in the minds of the House committee, they supposed that an enlisted soldier or a sergeant could discharge these duties, but on examination it is found that a librarian or an assistant librarian is actually necessary at the post; one who is familiar with the books, who will be constantly present delivering books to students, receiving books from them, and keeping an accurate record of the operations of the library. That is the sole reason why we have changed this appropriation for an assistant librarian which has existed for a number of years. I trust the Senate will not strike it out.

Mr. EATON. The Senator from Iowa informs the Senate that the adjutant is a librarian. We have just added \$1,500 that the House committee did not think was necessary, for a clerk to that officer. Now, then, let the clerk attend to the duties of the adjutant; the adjutant is the librarian. The Senate have seen fit to give that officer a clerk and to pay the clerk \$1,500. Let him attend to the duties of his principal when his principal is otherwise engaged. I trust the Senate will not adopt the amendment.

Mr. DAVIS. I think the Senator from Connecticut is correct in his conclusions, and that his view of the case did not occur to the Senate committee. At least, it was not stated in committee. My own impression is that the clerk that we have given to the adjutant should take the place of the assistant librarian, and that this provision ought to be stricken out entirely. It should not be granted, even at the \$120 which the House put in. The House added \$120 because they reduced the clerk to the adjutant, and I think the Senate was right, when, on a division a moment ago, it refused to agree with the recommendation of the Committee on Appropriations.

The question being taken by yeas and nays, resulted—yeas 25, nays 23; as follows:

YEAS—Messrs. Allison, Anthony, Bruce, Cameron of Wisconsin, Christiancy, Conkling, Dorsey, Ferry, Frelinghuysen, Hamlin, Jones of Nevada, Logan, Maxey, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, Paddock, Robertson, Sargent, Spencer, Wadleigh, West, Windom, and Wright—25.

NAYS—Messrs. Bayard, Bogy, Cockrell, Cooper, Davis, Eaton, English, Goldthwaite, Hamilton, Johnston, Kelly, Kernan, Key, McCreery, McDonald, Merriam, Norwood, Ransom, Stevenson, Thurman, Wallace, Whyte, and Withers—23.

ABSENT—Messrs. Alcorn, Booth, Boutwell, Burnside, Cameron of Pennsylvania, Caperton, Clayton, Conover, Cragin, Dawes, Dennis, Edmunds, Gordon, Harvey, Hitchcock, Howe, Ingalls, Jones of Florida, McMillan, Morton, Patterson, Randolph, Saulsbury, Sharon, and Sherman—25.

So the amendment was agreed to.

The next amendment of the Committee on Appropriations was on page 7, line 154, to increase the appropriation "for contingencies for Superintendent of the academy" from \$200 to \$1,000.

Mr. WHYTE. At the proper time, for I suppose it will not be in order until the vote shall have been taken upon the amendments proposed by the committee, I shall move to strike out this whole clause in the bill. It should not be there at all. As I understand it, it is an indirect way of increasing the salary of the Superintendent at the academy. The appropriation might be styled "for wining visitors at the West Point Academy," and these words would perhaps indicate more thoroughly the purpose for which the appropriation is made. It is intended for entertainment. The Superintendent at the academy ought not to be obliged to entertain anybody who visits that institution. If he chooses to entertain people, he should do so at his own and not at the public expense. I therefore think that no appropriation whatever ought to be made for that purpose; least of all should it be increased from \$200 to \$1,000.

Mr. ALLISON. This is an appropriation that has found its way into our appropriation bills for many years. The House reduced the sum of \$1,000 to \$200. I quite agree with the Senator from Maryland that if the sum is to be reduced at all, it ought to be stricken out entirely. The idea of appropriating the sum of \$200 for contingencies to the Superintendent of the academy, it seems to me, is rather too small. The Committee on Appropriations believed that this year especially it would be rather important that the Superintendent of the academy should have a contingent fund, and they do not think the sum of \$1,000 is too large. That is all there is to it.

Mr. WEST. I should like to have read the remarks in the statement in regard to this subject which I have marked. If the Senator from Maryland will give his attention he will see what the proposition is.

The Secretary read as follows:

The Appropriation Committee propose a reduction of \$800 on the estimate of \$1,000 for contingencies of Superintendent. The allowance of \$1,000 for contingencies heretofore given the Superintendent, and of which the last year's Board of Visitors, including the Congressional committees, recommended an increase, (see page 16, Board of Visitors' report,) was given by Congress to enable the Superintendent to meet extra expenses for entertainment. The recommendation referred to was given without the solicitation or knowledge of the Superintendent, who expresses the opinion that it would be preferable to have nothing for such purpose unless the amount was sufficient to be substantial. The allowance was intended for an increase of pay, under another name, to the Superintendent, to enable him to perform the requirements of courtesy and hospitality becoming the position. He could not do so on the pay of a colonel, and the office of Superintendent confers no emolument upon the present incumbent, who receives now only the allowances to which he would be entitled were he commanding an ordinary military post in any part of our country, and by the provisions of the bill as submitted will receive less, as the proposed bill deprives him, as well as other officers, of longevity pay while at West Point. Therefore, unless the amount is substantial, it would be better to strike it out entirely, as in that event none of the courtesies looked for by distinguished visitors from home and abroad could be extended to him, beyond what could be done on his pay proper.

Mr. WEST. I am not aware exactly when this allowance was originally instituted. Perhaps the Senator from Iowa can state when; but at all events it has been the usage for years to make some allowance to the Superintendent of the Military Academy. The recent Congressional committee and the late Board of Visitors, who examined into the matter, expressed an opinion that, instead of being reduced or abated, the amount should be increased. Such appropriations and such allowances are quite common throughout the civil service of the United States, and it is for the Senate to consider whether in dispensing the hospitality incident to the position of the commanding officer of that place, he has any claim upon the public

for an allowance. We all know that a number of visitors from all sections of the Union, and during this centennial year undoubtedly from Europe, will visit the institution, and it were better not to attempt any hospitality to be shown them at all unless we do it upon a scale commensurate to their deserts. The appropriation is no new one. It is a continued one, and it is simply for the Senate to say whether they will extend their idea of economy in that direction at the present time, when of all others it would seem there was the greater necessity for the fund, because unquestionably the calls and demands upon that officer's hospitality and courtesy will in this centennial year be greater than ever before. Should we next year see proper to reduce it, it could be urged with much more propriety than it can to-day.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

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

Mr. COOPER. I shall vote for the amendment upon the idea that if any such fund be appropriated at all, it ought to be more than that appropriated by the House; but when the question comes up I shall vote for the amendment suggested by the Senator from Maryland against any appropriation for this purpose whatever.

The question being taken by yeas and nays, resulted—yeas 26, nays 14; as follows:

YEAS—Messrs. Allison, Anthony, Bayard, Bruce, Cameron of Wisconsin, Christianity, Conover, Cooper, English, Ferry, Frelinghuysen, Hamlin, Logan, McMillan, Maxey, Mitchell, Morrill of Vermont, Morton, Oglesby, Ransom, Robertson, Sargent, Spencer, West, Windom, and Wright—26.

NAYS—Messrs. Cockrell, Goldthwaite, Hamilton, Johnston, Kelly, Key, McCreery, McDonald, Merrimon, Norwood, Stevenson, Wallace, Whyte, and Withers—14.

ABSENT—Messrs. Alcorn, Boggy, Booth, Boutwell, Burnside, Cameron of Pennsylvania, Caperton, Clayton, Conkling, Cragin, Davis, Dawes, Dennis, Dorsey, Eaton, Edmunds, Gordon, Harvey, Hitchcock, Howe, Ingalls, Jones of Florida, Jones of Nevada, Kernan, Morrill of Maine, Paddock, Patterson, Randolph, Saulsbury, Sharon, Sherman, Thurman, and Wadleigh—33.

So the amendment was agreed to.

The next amendment of the Committee on Appropriations was on page 7 to strike out line 156, as follows:

For printing catalogue for library, \$100.

The amendment was agreed to.

The next amendment was on page 7 to insert the following paragraph after line 158:

For continuing the system of sewerage from barracks and quarters, \$3,000.

The amendment was agreed to.

The next amendment was on page 7, line 162, after the word "officer" to strike out the words "of the proper staff corps;" so as to read:

That the Secretary of War be hereby directed to detail a competent officer to act as quartermaster and commissary for the battalion of cadets.

The amendment was agreed to.

The next amendment was on page 8, line 168, before the word "officer" to strike out the word "staff;" so as to read:

And such officer so assigned shall perform all the duties of purveying and supervision for the mess.

The amendment was agreed to.

The PRESIDENT *pro tempore*. This exhausts the amendments of the committee. The bill is still open to amendment.

Mr. WHYTE. I now move to strike out lines 153 and 154, in the following words:

For contingencies for Superintendent of the academy, \$1,000.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Maryland.

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

The yeas and nays were ordered; and being taken, resulted—yeas 19, nays 23; as follows:

YEAS—Messrs. Boggy, Caperton, Cockrell, Cooper, Davis, Eaton, Johnston, Kelly, Key, McCreery, McDonald, Merrimon, Norwood, Stevenson, Thurman, Wadleigh, Wallace, Whyte, and Withers—19.

NAYS—Messrs. Allison, Anthony, Bruce, Cameron of Wisconsin, Christianity, Conkling, Conover, Ferry, Frelinghuysen, Goldthwaite, Hamlin, Logan, McMillan, Maxey, Mitchell, Morrill of Vermont, Morton, Ransom, Robertson, Sargent, West, Windom, and Wright—23.

ABSENT—Messrs. Alcorn, Bayard, Booth, Boutwell, Burnside, Cameron of Pennsylvania, Clayton, Cragin, Dawes, Dennis, Dorsey, Edmunds, English, Gordon, Hamilton, Harvey, Hitchcock, Howe, Ingalls, Jones of Florida, Jones of Nevada, Kernan, Morrill of Maine, Oglesby, Paddock, Patterson, Randolph, Saulsbury, Sharon, Sherman, and Spencer—31.

So the amendment was rejected.

The bill was reported to the Senate as amended.

Mr. DAVIS. I wish to reserve the amendment adopted in Committee of the Whole, from line 35 to 42, relative to the band and musicians.

The PRESIDENT *pro tempore*. That amendment will be reserved. The question is on concurring in the amendments of the Committee of the Whole in gross, with the exception of the amendment indicated by the Senator from West Virginia.

Mr. McDONALD. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KERNAN. On this bill I am paired with the Senator from South Carolina, [Mr. PATTERSON.] He would vote "yea" and I should vote "nay" on this particular question, if he were present.

The question being taken by yeas and nays, resulted—yeas 28, nays 16; as follows:

YEAS—Messrs. Allison, Anthony, Bruce, Cameron of Pennsylvania, Cameron of Wisconsin, Christianity, Conkling, Conover, Dorsey, Edmunds, Ferry, Frelinghuysen, Hamlin, Ingalls, Logan, McMillan, Maxey, Mitchell, Morrill of Vermont, Morton, Robertson, Sargent, Sharon, Sherman, Wadleigh, West, Windom, and Wright—28.

NAYS—Messrs. Boggy, Booth, Cockrell, Davis, Eaton, Goldthwaite, Hamilton, Kelly, Key, McCreery, McDonald, Norwood, Stevenson, Thurman, Whyte, and Withers—16.

ABSENT—Messrs. Alcorn, Bayard, Boutwell, Burnside, Caperton, Clayton, Cooper, Cragin, Dawes, Dennis, English, Gordon, Harvey, Hitchcock, Howe, Johnston, Jones of Florida, Jones of Nevada, Kernan, Merrimon, Morrill of Maine, Oglesby, Paddock, Patterson, Randolph, Ransom, Saulsbury, Spencer, and Wallace—29.

So the amendments were concurred in.

The PRESIDENT *pro tempore*. The amendment reserved will now be read.

The CHIEF CLERK. The amendment reserved is to strike the following words:

For sixteen musicians for companies, \$2,496: *Provided*, That sections 9 and 10 of the act approved March 3, 1875, entitled "An act making appropriations to supply deficiencies in the appropriations for fiscal years ending June 30, 1875, and prior years, and for other purposes," be, and the same are, repealed.

And in lieu thereof to insert:

For pay of Military Academy band, \$14,880.

Mr. DAVIS. The Senate has disagreed to the bill as it came to us from the House of Representatives, and struck out the words read by the Clerk, which provide among other things for sixteen musicians at a compensation of \$2,496. It will be seen that that is but a little over \$150 apiece. Consequently they must be enlisted men. They must be there for some purpose and paid in some other way and independent of the amount appropriated for them by the House bill in this clause. In the Book of Estimates we find the same amount asked for their support. It must be extra compensation to their pay as enlisted men.

The point is that these sixteen musicians have been, perhaps ever since 1812, a part of the institution. They are provided for by the Revised Statutes, as will be found on page 226, section 1322. If we leave those unprovided for, may not the question arise—which was argued with a great deal of force, and I admit most of us were afraid the opposite side of the House were correct—that the parties being left without the pay which had been provided for by law would still have a just claim against the Government? If that be so, then these men will be there to do nothing, probably, and still have their pay. What I want to call the attention of the Senate to, and especially of the Senator from Iowa who has charge of this bill, is whether he had not better in some way provide for the sixteen musicians fixed by law; and if he wishes to continue the band proper, which is not provided for by any statute, he had better drop sixteen of the band, which can be done very well and violate no statute. The Senate has decided that forty shall be the entire number. As it stands now, if I am correct that the sixteen will be retained, there will be fifty-six men in the band.

I throw out the suggestion for the consideration of the Senator from Iowa, who has the bill in charge, not making any objection to what the Senate has done, but desiring to prevent the duplication of sixteen musicians.

Mr. ALLISON. I find on examination of the statutes that section 1322 of the Revised Statutes provides for four musicians to each company of cadets. These musicians are enlisted men, as I understand, in the Army, and they are paid as enlisted men. I do not think it is necessary to appropriate for these musicians, who are simply fifers and drummers and attached to the companies when they are on drill. Therefore, whether that clause is in or out, these musicians will be enlisted men and will be attached to these companies for duty. On examination, the Senator having called my attention to the subject privately, I do not think it is necessary to make any provision in reference to it. Of course this band is a very different thing from the company musicians. The company musicians are usually private enlisted soldiers and attached to the companies of cadets.

Mr. DAVIS. According to the view of the Senator from Iowa, who has the bill in charge, there would be fifty-six instead of forty, as has been provided for. Is that his view?

Mr. ALLISON. These cadets are required to drill each day, and to be divided into companies. Of course these companies will have attached to them soldiers, enlisted men, who are musicians, and those musicians will be a different class of persons from the musicians comprising the band, as I understand; but the band itself will continue as provided for by the statute of 1875.

Mr. DAVIS. It seems to me that there is a difficulty there; but probably the best way will be to let it go to a conference committee, as it is almost sure to go there, and there it can be remedied probably as well as here.

Mr. ALLISON. I will say to the Senator that, if there is any difficulty about it, it can be arranged in a conference committee.

Mr. MAXEY. I stated yesterday evening that the corps of cadets is organized into a battalion of four companies, A, B, C, and D. By law there are attached to each of these companies four musicians. They are not enlisted other than in obedience to the law as attaching company musicians to each of these companies—two drummers and

two fifers. In company drill these drummers and fifers perform duties with the companies. When the four companies are thrown together into battalion, then the field-music, made up of drummers and fifers, accompanies the band. These drummers and fifers sound every call from reveille in the morning until tattoo at night. Throughout the entire day there are calls requiring absolutely a sound, and that comes from this field-music. There is an orderly detailed from the field-music every day to perform that service. The duties of the field music are entirely distinct and dissimilar from those of the band.

In addition to the duties which I have stated the field-music has certain other duties to perform. When the battalion is called out for purposes of review, for dress-parade, or for battalion drill, then the band comes out, and it is in connection with the battalion as such that the band performs its duties. It is in connection with the companies as such that the four musicians belonging to each company perform their duties and then when the battalion is thrown together as such they go along as field-music, in addition to which they sound all the calls from reveille to tattoo. That is the purpose of them, and they are not provided for as enlisted men other than by virtue of the law which assigns these four men, or four boys as they really are, to each one of the companies as musicians.

Mr. LOGAN. The Senator from Texas has stated probably more clearly than I could about what I desired to say myself. One further proposition I wish to suggest to the Senator in charge of the bill. I understood him, although I did not hear him, to say that he did not care anything about this appropriation as applicable to those musicians whom I denominate as the drum corps.

Mr. ALLISON. I simply said that, this appropriation being struck out, these musicians would be enlisted men and assigned to these cadet companies for duty, as I suppose.

Mr. LOGAN. They are enlisted men now, are they not?

Mr. ALLISON. I so understand they are, and therefore they will be provided for in the regular Army bill.

Mr. LOGAN. No; I beg the Senator's pardon. Those attached to the West Point Academy are provided for in the Military Academy bill always, and paid out of the appropriations in the Military Academy bill, the appropriation made for musicians, and when we say musicians we mean drummers and fifers. Under the laws regulating the Army, musicians are always entitled to higher pay than the private soldiers in all organizations. Hence this amount appropriated to pay these musicians is just as necessary in this bill as it is in the Army appropriation bill to pay the drummers and fifers of the Army. I do not remember exactly their pay, but it is more than that of a private soldier. They are paid as musicians.

Mr. ALLISON. I do not understand that it is.

Mr. LOGAN. But I do.

Mr. CAMERON, of Pennsylvania. Mr. President, this discussion about the band reminds me of an occurrence in the Legislature of Pennsylvania a great many years ago, perhaps before most of the Senators now present came to this country. Somebody made a motion to have the militia re-organized, and there was quite a discussion about it. One old fellow by the name of Fulmer, from the county of Northumberland, who had been out in the revolutionary war, said he was opposed to this bill for re-organizing the militia. He said, "When I was in the war we were glad to have drums and fifes; and I shall not agree that the government of this State shall spend its money to send out organs with the militia of this State." [Laughter.] He was a wise man in his generation, and the bill was voted down. I remember having that in my mind once upon an occasion when I had some authority in this Government and there came up a question about bands for the different regiments then being brought into the service of the United States. It was about 1861, a period that most of the people now living remember something about. Remembering old Fulmer, I said "These bands are useless things; the money they cost is wasted, and it is giving a preference to idle fellows to go about and blow their trumpets when other men are firing their guns and fighting to save their lives." After much trouble, I got the bands reduced; but after a while there came a reverse; there was a contest not far from here at a place called Bull Run and our people were driven from their intrenchments and driven back toward Washington. When they came to Washington every one was frightened out of his wits. The rebels living here were afraid that we would punish them and they ran off, and some of our people were afraid the rebels would get hold of us and they ran off. So the city was in great distress. Then I said to the Adjutant-General "For God's sake bring some music here. I do not know how we shall raise the spirits of these people unless we get some bands." Said he, "I have no appropriation for music." "Well," said I, "I authorize you to spend for me \$10,000 if you will get one or two or three bands to come and thump their drums and blow their fifes and their horns and so on all around this city," but the music had run off with the rest. [Laughter.]

Now, to cut down the band or the appropriation for music is, I think, economizing in a very small way. The music is of great service in time of war, as I learned after the time to which I have referred. After a battle the musicians are the men who carry around the stretchers, who gather up the wounded from the battle-field, who nurse the wounded, and take care of them until they can be taken into the place where the surgeons receive them. No class of men bring more comfort to the wounded soldier than the musician when he is per-

forming his duty as a musician by cheering him up. Every man fights better after hearing the band play, and every man upon a retreat is cheered when he hears martial music under the flag of his country. To cut off the music is the last reform I would make. It may be an ornament, but I think it is a graceful ornament to all your posts. Scarcely anywhere does it cost anything, for the expenses of the band are generally paid out of the savings from the mess; the drippings, if you choose so to style them, which would be wasted, are put to use and make up the pay of the musicians.

Who is there that would be willing to go to West Point and find it shorn of its music because a few thousand dollars are expended to pay the musicians? There is not a man in the Senate who is not prouder when he goes there and hears patriotic music so well performed by the band paid and taken care of by the Government. I heard my friend, the Senator from Missouri, [Mr. BOGY,] yesterday talking about the Marine Band. I am sure that when he used to come here in the days when he was young and graceful—he is graceful yet—and when he danced to the music of that band, he was proud and glad to say to everybody, "It is the finest band in the world." I never heard him say so; but I am sure he must have said it a hundred times. Now, when he is old, or imagines he is old, he may begin to think that music is of no account; but I would advise him that he needs it now more than he ever did. He ought not, nor ought anybody else, to refuse to vote this pittance to pay these men who understand so well and perform so well their duty as musicians. I will vote to save ten times as much, twenty times as much, in the staff of the Army, if you like. I think we have a greater staff than is needed. I believe that the Commissary and Quartermaster's Departments could be put in one. I believe that there ought to be no generals, or brigadier-generals, or brevet officers in the staff. The staff officers ought to be portions of the regiments; the commissaries and the quartermasters ought to be portions of the regiments; and then a single head here, with the rank of colonel, as it was before the war, would be enough to take care of the Commissary and Quartermaster's Departments. There is your waste. It is in consequence of the brevets, which were bestowed so liberally, so outrageously liberally, if that can be, at the end of the war on everybody, and the pensions by retired pay given to men who were only captains, because they happened to serve in the grades of colonel, or brigadier-general, or major-general for a few days. There is the waste. Your money is not wasted by what you give to the poor man of taste and of some education who happens to enlist in the Army as a musician.

I am against all this little economy. Let us go to the head. Let us reduce our own pay, if you will, down to \$8 a day, as it was a few years ago. I am perfectly willing to agree to that; but I am not willing to take one cent from the music of the Army.

Mr. BOGY. Mr. President, I desire to make an inquiry of some of the friends of this bill. There are two bands provided for here, or two distinct musical organizations. I think that there is but one band, strictly speaking, as a band technically so termed; but in addition to this band are there not sixteen musicians called company musicians? The Senator from Illinois, I presume, can inform me.

Mr. LOGAN. There are.

Mr. BOGY. If that be so, what has this big band of fifty-six musicians to do? When do they blow their horns; on what occasion; for what purpose? I should like to know. The others appear to do all the hard work; they do all the company work, and the companies include the whole. Now, when do these higher fellows—these scientific, educated gentlemen spoken of by my friend from Pennsylvania—toot on all these different horns, the Hungarian, the French, the Italian, and so on? I should like to know.

Mr. LOGAN. That depends on the regulations; but I presume they are not like we are; they do not toot on all occasions. [Laughter.] They do it when it is desired that they shall. I do not want to discuss this band question again; but I believe the Senator was a soldier once himself.

Mr. BOGY. I was in the Black Hawk war.

Mr. LOGAN. They did not have any bands in the Black Hawk war, except bands of Indians; some of that aristocracy.

Mr. BOGY. We had drums.

Mr. LOGAN. The Senator objects to the aristocracy of the drum. The Senator I suppose may go to West Point or any post of the Army where a band exists, (I do not mean a band according to law, for no band exists under our law except at West Point, so far as the Army is concerned,) and he would find the music very delightful at the raising of the flag in the morning and at the lowering of the flag in the evening, on dress-parades, and on the different occasions when the band is called out for the purpose of giving music. I do not remember exactly the times, but on all occasions where it is required music is given. But this drum corps that I speak of is an entirely different institution. If the Senator examines the law he will find it to be the fact that every company of infantry in the Army is entitled to two musicians and that every company of cavalry is entitled to a bugler. They have certain kinds of musicians belonging to all parts of the Army. The artillery are entitled to a musician of a certain kind; so of the cavalry, and so of the infantry. The infantry have a drum and fife, and these musicians are provided for in the law.

The cadets are merely in training for soldiers, and in the training of soldiers it is absolutely necessary to have music. As was well stated by the Senator from Texas, [Mr. MAXEY,] there are different

calls in camp and out of camp that are made with the drum and fife; for instance, to call the company together for parade. The sick-call, for instance, in the morning, for soldiers to appear for the purpose of having an examination by the surgeon. That is the case among soldiers of the Army. I do not know how it is at West Point; but there are various calls there. In the morning the reveille, and different calls by drum and fife, which are absolutely necessary in the Army. This is just as necessary at West Point in the training of the cadets as it is in the training of a private soldier in the Army. There is skirmish drill, and there are different kinds of drills and maneuvers. There are maneuvers of cavalry where an officer wants to parade his cavalry, so that he may not give his command, but that it may be understood and heard at a great distance. They are trained so as to make their movements by the sound of the horn, and different sounds are given for the purpose of making different movements.

Music is an absolute necessity. If you abolish the drum and fife at West Point you may as well abolish them in the Army. Their use is just as necessary there as it is in any camp or post in the Army. Therefore I object to striking out the pay for this drum corps. I said a while ago that the musicians in the Army were paid higher prices than privates. In some instances they are. So far as the infantry is concerned, I see by the law they are not; but a musician of cavalry is paid \$22 a month, and a musician of artillery is paid \$22 a month. Drummers and fifers of artillery are paid \$13 a month. They are provided for in the law. I desire to say to the Senator from Iowa in reference to these men that I think he is laboring under a mistake when he says they are paid by the appropriation bill for the Army. These musicians at West Point are not recognized in the organization of the Army, but in the organization of West Point. Hence they are paid in the appropriations for West Point the same as the musicians are paid in the Army by law, and as money is appropriated to pay the private soldiers and officers of the Army. It is a separate thing, entirely distinct, and therefore these sums are paid by different appropriation bills. Hence the provision ought to be in this bill, and not in the general appropriation bill for the Army, for that does not apply to West Point.

Mr. ALLISON. I think it very likely that the Senator from Illinois is correct in his statement; but the committee were misled by a memorandum furnished at the War Department. I also find, however, among my papers a reference to section 1322 of the Revised Statutes, which seems to indicate that the Senator from Illinois is correct in his statement, and that these musicians are provided for separately; but this matter can be arranged in the conference committee.

Mr. LOGAN. That is true; but the conference committee might not agree. It will be seen by a reading of the law in reference to the corps of cadets at West Point that—

The corps of cadets shall be arranged into companies according to the directions of the Superintendent, each of which shall be commanded by an officer of the Army, for the purpose of military instruction. To each company shall be added four musicians.

To each company of what? To each company of cadets at West Point. Now, to each company in the Army are added two musicians, and to each company of cadets at West Point are added four musicians. They are a part of the organization at West Point for the instruction of the cadets. Hence they are a part of this bill, should remain in it, and not be stricken out.

Mr. ALLISON. Then I suggest to the Senator that after we agree to this amendment he can insert afterward, "for sixteen musicians for companies, \$2,496," and that will accomplish the purpose.

Mr. LOGAN. That will accomplish it of course. Whatever the amount of pay is ought to be inserted. Of course that will accomplish it.

Mr. ALLISON. Or there is another mode. Strike out the proviso only, leaving all of lines 35 and 36 up to the word "provided." That will cover the case.

Mr. LOGAN. Yes. While we are speaking about this, let me refer to the fact that the Senator from Missouri said he did not understand why this is so. If the Senator will allow me to read the section of the law he will see exactly the reason for this drum corps; not for the horns he talks about, but for the drum corps.

The corps—

That is, the corps of cadets—

shall be taught and trained in all the duties of a private soldier, non-commissioned officer, and officer, shall be encamped at least three months in each year, and shall be taught and trained in all the duties incident to a regular camp.

There is the reason why the drum and fife are required at West Point. The cadets are in camp for three months of the year to be trained in the duties of the private soldier; that is, they carry the musket, learn the manual of arms, stand guard, do camp duty and everything of that kind that pertains to a private soldier in camp. I should hate very much to see them deprived of that which is absolutely necessary to make the necessary calls in camp for the soldier—to see them deprived of the drum and fife.

Mr. MAXEY. I will state as an additional fact that the corps of cadets perform guard duty and that they perform guard duty during the entire year. Guard mounting takes place every morning during the entire academic year as well as during the encampment.

Mr. LOGAN. In guard mounting in the morning and in relieving

the guard afterward, it is always done to the drum and fife in every camp.

Mr. MAXEY. And throughout the entire academic year guard mounting takes place precisely as during the encampment period.

Mr. BOGY. I think I am learning something on this subject. I do not wish my friends on the right or on the left to think that I am warring against the fife and the drum. I have been in favor of the fife and the drum from the beginning, but I am against this large, big band of wind instruments. Will my friend from Illinois tell me what call is made by this big fiddle called the basso, so large that you have got to put it down and play on the reverse? What military call is made by that instrument? Do you know, sir?

Mr. LOGAN. It calls sinners to repentance. [Laughter.]

Mr. BOGY. I hope my friend will experience the beneficial effects of that call. Then what is the use of the trombone in a military way? Will the Senator tell me?

Mr. LOGAN. It is a strange question for a Frenchman to ask an American.

Mr. BOGY. That may be; but I should like to see an American who can answer a question.

Mr. LOGAN. I do not know that I care about being interrogated on the subject of musical instruments. I am not a musical instrument myself. [Laughter.] I expect I know as little about them, perhaps, as the Senator from Missouri.

Mr. BOGY. I desire to place myself right. I see from the Senator's bad temper that he misunderstands me.

Mr. LOGAN. Not bad temper. The Senator is very much mistaken.

Mr. BOGY. I suppose the temper is bad because the Senator says what he could not have said in a good temper. Therefore he must have been in bad temper.

Mr. LOGAN. I certainly did not say anything that indicated bad temper.

Mr. BOGY. It certainly was in bad temper. But, sir, it comes to this—

Mr. LOGAN. When I said "Frenchman," if that is what the Senator takes exception to, it was certainly playfully said. I did not mean any offense by it.

Mr. BOGY. I take no exception to it at all. My exception is only to the manner, not to the matter. I only wish to say that, although these instruments may be of some use to indicate certain movements of an army, as the bugle to the cavalry, most of these instruments are purely for the amusement of the cadets of West Point in their social relations, and I say that we ought not to require the people of the United States to pay for that amusement. That is all. The fife and the drum are all right; but the basso, fiddle, and the trombone, and the triangle, and the Hungarian bugle, brought over by the Asiatics when they first invaded Europe in Hungary, (for the same old instrument is preserved in our Army, now called the Hungarian bugle,) are of no use at the present day. They can be of no use in our Army, and I wish the fact to go before the country that the money of the people is being expended for these useless things.

Music is well enough, but I do not think that we should furnish music for the mere amusement of the persons who happen to be at West Point. It ought to be known to the country that we are educating a class of young men at the expense of the people, who, while being educated, are under the heavy pay of forty-five to fifty dollars a month, so that with that money they can pay for their food and for their clothing, but these young men are fed and clothed at the public expense. In addition to that, this music is furnished to them. In addition to that, a course of education preparing them alone for civil life and not for military life is furnished to them.

These are my objections, and I do not intend to trifle with the subject, and I did not mean to be trifled with when I asked the question to what purpose could these instruments be put in this band, and the Senator could not answer it. I did not expect he could. I anticipated from his military experience that he could not, because the question cannot be properly answered. These bands are furnished merely as a means of amusement to the young gentlemen who are paid to go to West Point to be educated, a large portion of whom resign soon after they are educated. That is my objection.

I remember to have read that in the French Emperor's celebrated retreat from Moscow music played a conspicuous part, and that his own wonderful spirits never gave way until his music was destroyed. The wind instruments, these chaps who blow on all these various horns, of course were soon played out; in that cold climate they could not blow very long and those instruments were very soon stopped. One at a time it was reported that such a band had stopped. The emperor showed great anxiety that the music should be kept up, knowing very well that as long as the music could be kept up by which this army, which had been collected from various parts of Europe, not alone from France, but from all parts of Europe, could be reminded of the airs of their own home, of their own fireside, it would inspire them with hope and courage; and he knew human nature so well that he knew it was important to maintain that spirit; and history tells us that when he was informed that all the bands were destroyed he pronounced it the greatest calamity which had happened to the army. But finally he inquired, "Is there a drum and a fife left?" They told him yes, the drums and fifes were all safe. "Then," said he, "we have music enough." Finally the fife troze

out and he was left alone with the drum; and that is said to be the history of his retreat from Moscow.

I see provided in your bill here an appropriation to pay for a teacher of music at West Point. He had a teacher of music with his army, and he sent for the teacher of music, explained to him the organization of the army and the importance of maintaining some music to keep up the courage of those men who were being borne down by the cold weather and the pressure of the enemy, and told him to compose a march adapted to their peculiarly cruel condition, in which the men could be reminded of their own homes, of their own native land, and that that march should be adapted alone to the drum, because all other instruments had been stopped; and hence it is said that the celebrated march called "The Retreat from Moscow" was composed. That is said to be the history of that march.

On certain occasions, then, music may be very well; but in this case I say a band is an abuse; it is throwing away the money of the people for amusement, in addition to the salary that you pay the young men to be educated, a large portion of whom resign, and if they do not resign they ought to pay their own expenses at West Point. There is no more reason why a man should be paid to go into the Army or into the Navy than why he should be paid to go into the public service of the nation in any other capacity. The whole system ought to be abolished.

Mr. ALLISON. I ask leave to modify the amendment so as to strike out the proviso only, in order to meet the suggestions made by the Senator from Illinois and the Senator from West Virginia.

The PRESIDENT *pro tempore*. What is the Senator's proposition? Mr. ALLISON. To strike out in line 36, all after the word "dollars," down to and including line 42, and insert what the committee have inserted.

The PRESIDENT *pro tempore*. The amendment of the committee is to strike out and insert. That motion will have to be put. The Senator now moves to strike out a portion of the text proposed by the committee to be stricken out; that is the proviso. The question is on that amendment to the amendment.

Mr. DAVIS. What will be the effect of that?

Mr. ALLISON. It simply strikes out the proviso which repeals sections 9 and 10 of the act of 1875.

Mr. DAVIS. That has already been stricken out by a vote of the Senate, as I understand.

The PRESIDENT *pro tempore*. The question now is on concurring in that amendment, pending which the Senator from Iowa moves to strike out a portion of that text. The first question is on the amendment to the amendment, and then the question will recur on striking out and inserting.

Mr. STEVENSON. I will ask the Senator from Iowa what is the proviso? On what page and line is it?

Mr. ALLISON. It begins on page 2, with line 36 of the bill; it is the proviso in relation to the music.

Mr. DAVIS. The effect of the amendment of the Senator from Iowa would be to provide for the sixteen musicians and strike out that part which repeals the section in relation to the band.

Mr. ALLISON. That is the object.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to strike out the proviso in a portion of the text moved to be stricken out.

The amendment to the amendment was agreed to.

The amendment, as amended, was concurred in.

Mr. MORRILL, of Maine. I inquire of the Senator from Iowa whether, as it now stands, the bill provides for that portion of the band created last year?

Mr. ALLISON. I did not hear the Senator from Maine.

Mr. MORRILL, of Maine. My inquiry is whether the band is now provided for, after the amendment has been acted on?

Mr. ALLISON. Yes, sir; it is provided for.

Mr. MORRILL, of Maine. Very well.

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

The bill was read the third time, and passed.

DANIEL STICKNEY.

Mr. MORRILL, of Maine. I ask the Senate to proceed to the consideration of the resolution I offered yesterday.

The resolution was read, as follows:

Resolved, That during the present session it shall be in order at any time to move a recess, and, pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motion shall be decided without debate.

Mr. HAMLIN. I think that resolution will lead to a little debate; and I ask my colleague to indulge me in calling up a private bill that I think will not occupy three minutes.

Mr. MORRILL, of Maine. If my colleague will allow this resolution to be taken up, I will yield with great pleasure.

The PRESIDENT *pro tempore*. Is there objection to taking up the resolution?

Mr. STEVENSON. *I object*.

The PRESIDENT *pro tempore*. Then the Chair will put the question on taking up the resolution for consideration.

The motion was agreed to.

The PRESIDENT *pro tempore*. The resolution is before the Senate.

Mr. HAMLIN. Now, with the consent of my colleague, I ask for the consideration of Senate bill No. 446.

The PRESIDENT *pro tempore*. If there be no objection, the resolution will be informally postponed for that purpose.

There being no objection, the bill (S. No. 446) for the relief of Daniel Stickney, of Presque Isle, Maine, was read the second time and considered as in Committee of the Whole. It provides for the payment of \$222.25 to Daniel Stickney, to reimburse him for money-order funds stolen from his office, when he was postmaster, on the night of August 7, 1873.

Mr. HAMLIN. I think I can state the case, if any Senator wishes it, quicker than the report can be read; but if Senators are satisfied, I shall not take up time.

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

DEBATE ON APPROPRIATION BILLS.

The PRESIDENT *pro tempore*. The resolution of the Senator from Maine [Mr. MORRILL] is before the Senate.

Mr. DAVIS. I ask the Senator from Maine whether the clause as to taking a recess is intended for appropriation bills only or to apply at any period?

Mr. MORRILL, of Maine. I will say to my friend that the resolution is simply with reference to appropriation bills. This resolution does not adopt the five-minute rule, but places the Senate in a condition where upon an appropriation bill, if it is deemed necessary, the Senate may order the five-minute rule. I think it is better to adopt it now, before we get into any debate on bills of this character. It is the usual annual resolution which we have followed for several years past. It has no application to anything before us at the present time.

Mr. DAVIS. I think, if my friend from Maine will read his resolution, he will find that in regard to ordering a recess it will reach all legislation, and is not confined to appropriation bills. I ask him to amend it.

Mr. STEVENSON. I do not construe this resolution as the Senator from Maine does. Literally construed, the resolution makes it in order to move a recess at any time upon any bill. The resolution is:

Resolved, That during the present session it shall be in order at any time to move a recess—

That is an independent part of the sentence which does not confine it at all to the pendency of an appropriation bill. And then it goes further—

and pending an appropriation bill to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motion shall be decided without debate.

If this resolution is adopted, it will be in order to move a recess at any time or at any moment upon any proposition. Subsequently, if an appropriation bill is under discussion, you can move to confine debate on amendments thereto to five minutes by any Senator on a pending motion, and such motions shall be decided without debate. I am opposed to the resolution on both grounds. I think this is a time when Senators should have a right to discuss appropriation bills longer than five minutes. It is a proposition to stifle debate. Appropriations of great magnitude may come before the Senate, and I hope the Senate will not stifle debate by saying that no Senator shall undertake to discuss an appropriation bill longer than five minutes.

As to the other part of the resolution, I do not see its object. You can move a recess now, and certainly this resolution as worded does not confine the right to move a recess to the period when appropriation bills are under discussion. The words of the resolution are—

That, during the present session, it shall be in order at any time to move a recess—

irrespective of what the subject-matter of discussion is. I do hope that this resolution will not be adopted.

Mr. BAYARD. Mr. President, if the resolution is to be adopted, there is no doubt that an amendment should be made prohibiting incongruous amendments from being offered. Appropriations are the simple business bills of the body, for the appropriation of funds which have been estimated by the Departments and examined by committees; and, therefore, the subject-matter has been considered practically before it comes into the Senate. Perhaps the limitation of debate upon mere money appropriations to five minutes to each amendment by each Senator is rather business like, and not altogether unreasonable; but unquestionably, in addition to the resolution as it is now proposed, there should be a provision that amendments to an appropriation bill should be germane to the bill.

In the first place, it is a vicious method of legislation to attempt to ingraft general legislation upon special appropriation bills; and yet it has been done before now, and matters of very large importance have in this hasty way been ingrafted upon bills intended for nothing more than the appropriation of money for the proper expenses of the Government. I suggest, therefore, to the honorable Senator from Maine who has the resolution in charge that he should limit the amendments to matters germane to the appropriation bills. I remember very well some years ago, when a proposition of this kind was proposed, the restriction which I now suggest was added; and when we limited debate upon mere money bills, or what you may term the items of money bills, to five minutes, we provided that the amendments upon which debate was so limited should be strictly germane

to the subject under consideration. I trust some one will offer such an amendment now, in order that measures of a general legislative character shall not be sprung upon the Senate in the shape of amendments to those bills which ought to have nothing of the kind connected with them.

The provision for a recess I do not precisely understand the necessity for. Should it so happen that an appropriation bill, which is oftentimes tedious and needs time for its consideration, should occupy too much of the day, it has been the custom of the Senate to have night sessions; and I suppose that this rule looked to such a contingency. But I do not know why a motion for a recess should not be in order without having a special rule adopted for it. I trust, however, that no amendment incongruous in its nature to an appropriation bill under consideration will be allowed to be offered. A reference to the resolution passed in the Senate before will give the phraseology of the rule that worked acceptably. I think language merely declaring that no amendment shall be in order which is not germane to the subject-matter of the bill would bring the matter within that business scope which I believe the Senator from Maine desires.

Mr. MORRILL, of Maine. This resolution is introduced in the interest of the dispatch of business. The experience of the Senate for the last two or three years has rendered it necessary that some time during the session when we are pressed by appropriation bills some method of this kind should be pursued. This is a little in advance of any important necessity, I admit; but the principle, I submit, is such as the Senate will find it proper sooner or later in the session to adopt.

I will say to my honorable friend from Delaware that the especial object of putting in the clause as to a recess here is that it is accompanied with the right to move to confine debate, and the resolution provides for two motions on neither of which shall there be any debate. Without that a recess might be moved, but the motion would be open to debate. For instance, we are in the midst of an important question of any kind and the Senate have got impatient and desire to adjourn. The Senator will see that no vote could be taken under such circumstances on a motion for a night session, or an extended session, for a recess instead of an adjournment. Therefore this special resolution gives the right at any time to move a recess and declares that that question shall be taken without debate. The object is to secure the right to have a vote on taking a recess without any debate, and the additional right on appropriation bills to have a five-minute rule applied whenever, in the judgment of the Senate, the time has come to do it. This is a rule that the experience of the Senate has found to be necessary at a late period of the session; and I wish to say that we are here now at the end of three months of this session and as yet, so far as this particular branch of the public service is concerned—appropriations—we have done literally next to nothing. No bill has yet been consummated, and the bills that have come to the Senate are usually those that are passed in a single hour, merely nominal. We have spent days, weeks on them. Yesterday and to-day we spent an entire legislative day on the music we should have at West Point and the only question involved in it was whether there should be a few more or a few less musicians, and the money we spent in examining that question would probably pay the \$14,000 appropriated for the band several times over. On the supposition that we are to continue this session as we have begun, we shall be next year here appropriating for the current fiscal year; we shall be in the condition of the old gentleman at one of the Departments who was put upon the business of counting dilapidated fractional currency and was not willing to take the amount of money counted for his wages. There is no end unless some such policy as this is adopted by which those having the control of the appropriation committees can bring the Senate to a vote. There is no such thing as ending this session within any reasonable time as matters now are.

Of course, Mr. President, I have no anxiety on this subject. I feel it my duty to present it to the Senate. If the resolution is acceptable, very well; otherwise, it is just as well so far as I am personally concerned.

I move to amend the resolution in the last line by adding the letter "s" to "motion," so as to read:

And such motions shall be decided without debate.

The PRESIDENT *pro tempore*. Is there objection to that modification? The Chair hears none, and the modification will be made.

Mr. BAYARD. I move to amend the resolution by adding to it:

But no amendment to an appropriation bill shall be in order which is not germane to such bill.

Mr. MORRILL, of Maine. I think that would destroy the efficiency of the rule entirely. Almost all the amendments which would be proposed to an appropriation are of that character; and, if the rule only applies to such amendments as are germane to the bill, the whole utility of the rule I should consider lost.

Mr. EDMUNDS. If we could have an effectual rule that should provide, as to House bills as well as our own amendments, that everything in them should be struck out which was of a legislative character other than the mere appropriation of money to carry out existing laws, we should make a good step in the right direction. But the difficulty which we labor under here is that every session,

this and all former ones, the appropriation bills of the House come over here with provisions in them of a legislative character, not merely providing money out of the Treasury to do what the law already enjoins, but to do something else, to change the body of the laws in connection with the appropriation of the money to carry them out, which is a very bad principle, and one which if we had refused to act upon for years past, as we must do at last, we should have saved the Government a great deal of money and the law a great deal of confusion.

Now, if the Committee on Appropriations and the Committee on Rules can contrive some means by which when an appropriation bill comes here from the House of Representatives everything in it shall be struck out other than the mere appropriation of money to carry out existing laws, no matter if it is only half the money the law requires; that any change in the body of the law shall be struck out once and forever; then we shall have done the country a great deal of service. But I do not know that there is any hope of that. Certainly this amendment of the Senator from Delaware looks in the other direction; for, as the Senator from Maine has said, the question of whether a matter is germane to the bill is rather indefinable. You can make almost everything germane. If a bill provides for the payment of the salary of the President of the United States, you can say in mere philosophic sense that it is perfectly germane to provide that hereafter it shall be \$100,000 a year, or that hereafter it shall be \$10,000 a year, and so of every one of the appropriations that are made to carry out the existing law and to carry on the operations of the Government. You can add to each sum of money for each particular item a provision on the general subject of the duties of the officer and the structure of the department under which he acts, and, in fact, you can draw in the whole body of the laws. That is not what we desire to do; we desire to do exactly the reverse; and therefore to provide, as this amendment does by implication, that while nothing not germane shall be offered, everything that is germane may be offered, is to open the door wide. Hence it goes, as it appears to me, in the wrong direction. We have a standing rule of the Senate which is a great deal better than the amendment offered by the Senator from Delaware.

Mr. DAVIS. I want to appeal to my friend from Maine whether the resolution had not better go to the Committee on Rules. It is early in the session, much earlier probably than we have ever adopted such a rule. I shall be in favor of it when there is a necessity for it; but, as I understand the resolution, it will allow us to move for a recess at any time, no matter whether an appropriation bill is under discussion or not. It is known further that at this time there is no appropriation bill ready for action by the Senate. I would ask the chairman of the Committee on Appropriations if it would not be satisfactory to him to let the resolution go to the Committee on Rules? It will only take a short time for them to report it back.

Mr. MORRILL, of Maine. In regard to the question of time, we have adopted this rule at a much earlier period of the session heretofore. We have adopted it sometimes in January.

Mr. DAVIS. Was not that during the short session?

Mr. MORRILL, of Maine. Yes, during the short session. I admit that there is less necessity for the adoption of it at an early period now than heretofore. But this is not a question to be sent to the Committee on Rules at all. If there is anything well settled, it is that the Senate has found it necessary to adopt such a rule as this. Unless my friend has it in his mind that it is desirable to add something to this rule, such a provision, for instance, as the Senator from Vermont has suggested, I can see no necessity for sending it to the Committee on Rules.

I feel no especial urgency about this. It is the usual method pursued. If the Senate is not ready to act upon it, very well. If it is, I should like to have it disposed of.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Delaware.

The question being put; there were upon division—ayes 18, noes 17.

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

Mr. BAYARD. I am surprised that there should be any objection to so reasonable a proposition as this. I can understand that in debate on money bills, five minutes on each amendment, where the subject has before that time been scrutinized first by the Department and then submitted to a committee and by the committee to the body, may be sufficient. There can be no difficulty where a Senator desires to discuss a subject, to offer further amendments, or have permission to continue his remarks. But, as I said when I rose to propose this amendment, it is a vicious kind of legislation to ingraft general legislation on specific measures of appropriation for a certain purpose. The rule of the Senate has been, and I trust always will continue, that they shall be limited only by the discretion of the speakers. These being however mere business bills, I can recognize the efficiency of the proposed rule for the expedition of business; but I submit that it would be only just, where you depart from the usage of the Senate and arbitrarily fix five minutes as the limitation of debate, that you should couple it with the understanding that the amendment offered should be germane to the bill.

If it were not confined to mere money bills, mere business measures, I cannot believe the Senate would agree to have any limitation of debate fixed upon it; but as these are mere business bills involving items of Government expenditure, it seems to me eminently proper

that no other items of a different character and no provisions of a different nature of a general legislative character should be in order when offered as amendments. I remember very well that when this limitation of five minutes was offered some years ago and adopted by the Senate it was coupled with a proposition similar in character to that which I now propose. I remember it very well, because we of the minority considered that there had been a violation of the language of the rule by the admission by the presiding officer of the Senate of an amendment which was not germane to the bill. It led to a long and exciting discussion that lasted an entire night. It was owing to the belief that the rule of the Senate had been violated by the ruling of the Chair. My recollection is very distinct. I see no reason why the same accompanying proposition to limit the subject-matter of amendments, that they shall be germane to the general subject of the bill, should not be made part of this restrictive rule on debate that the Senate for the dispatch of business propose now to adopt. I cannot understand any reasonable objection to the proposition I offer, and I trust the Senate will agree with me on that subject.

Mr. KERNAN. Mr. President, I am in favor of a resolution like this in reference to appropriation bills. On bills appropriating money for specific objects, I think a debate of five minutes each will enable us to do business in a business-like way; but should there be amendments entertained not germane to the appropriation of money, it might be a question that we ought to be heard upon for a longer period. I will take a recent illustration. Look at section 4 of one of the general appropriation bills of 1873. That section, being the last one, provides for bringing suits; provides for enforcing decrees; provides that a certain railroad company shall not be subject to the bankrupt laws; provides that it shall not make dividends in a certain way; provides that the United States courts may enforce writs of mandamus in a certain way. If such an amendment as that comes up and is entertained, it seems to me the Senate would not attempt to say that there should not be a debate upon it longer than five minutes; and as that has been the practice, till we can get a joint rule or some rule to prevent it, I think there should be no difficulty in saying that this limitation of five minutes shall not apply if there is under consideration some subject not germane to an appropriation bill. Therefore I hope the original resolution will be adopted; and I think we should add to it this limitation to guard against being cut off by a technical rule from discussing some matter that is under consideration that requires a longer discussion than five minutes.

I shall vote for the original resolution anyhow; but I hope we shall put on this proviso, that if there is under consideration something that has really nothing to do with the appropriation bill before the Senate, it may be debated longer.

Mr. DAVIS. Is it in order to move to refer the resolution to the Committee on Rules?

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

Mr. DAVIS. I make that motion.

The PRESIDENT *pro tempore*. The Senator from West Virginia moves to refer the resolution to the Committee on Rules.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Delaware, upon which the yeas and nays have been ordered.

Mr. SARGENT. I shall vote against this amendment, not because I am desirous that amendments not germane to appropriation bills shall be added to them, but because I think the thirtieth rule of the Senate is more stringent than this rule would be with the amendment added to it. That excludes certain classes of legislation which it says shall not go on appropriation bills. I want to hold to that rule. I fear that this weakens it, and therefore I shall vote against it.

Mr. COCKRELL. May I ask the Senator what rule it is?

Mr. SARGENT. Rule 30, which is as follows:

No amendment proposing additional appropriations shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law, or some act or resolution previously passed by the Senate during that session, or moved by direction of a standing or select committee of the Senate, or in pursuance of an estimate from the head of some of the Departments; and no amendment shall be received whose object is to provide for a private claim, unless it be to carry out the provisions of an existing law or a treaty stipulation.

All amendments to general appropriation bills reported from committees of the Senate, proposing new items of appropriation, shall one day before they are offered be referred to the Committee on Appropriations, and all general appropriation bills shall be referred to the said committee; and in like manner, notice of amendments to bills making appropriations for rivers and harbors shall be given and referred to the committee to which such bills shall be referred.

Any pending amendment to a general appropriation bill may be laid on the table without affecting the bill.

I wish to preserve that rule in its integrity and I fear this amendment weakens it, and for that reason I shall vote against it.

Mr. BAYARD. All of the excluded amendments to general appropriation bills referred to in this rule are stated in the alternative, and they are all very well; but they do not cover the difficulty which my amendment is meant to relieve against. Under the rules, as they stand now, unlimited debate is allowed upon all matters. Some amendments are there excluded. That is all very well; but there is no reason why an incongruous amendment, even from a committee or a Department, should be placed on an appropriation bill. The instance just cited by the honorable Senator from New York [Mr. KERNAN] is forcibly in point. Upon an appropriation bill a matter entirely inconsistent with the object of the bill, a matter of general

and important legislation, was ingrafted, and under this rule could be ingrafted without the opportunity of discussion. I very well remember that it was upon the Army appropriation bill, in 1872, that it was proposed as an amendment to give power to the President of the United States to suspend the writ of *habeas corpus* in any part of the Union, if he saw fit, for another year. It was that illustration of the danger of such multifarious legislation, and not only multifarious, which in itself is a vice, but legislation to be adopted under this present rule without an opportunity of full debate.

This five-minute rule need not be in operation except upon motion on some particular bill. It may be that an appropriation bill of a very enlarged character can pass this House, as I have seen it pass, arrested but little by debate or by comment upon its provisions; and in such a case as that there would be no necessity for a motion to adopt this five-minute rule. It is only when a bill drags, it is only when the temper of the Senate and the subject-matter threaten to prolong the consideration of it beyond what is reasonable and business-like, that the Senator in charge of the bill has the right to move the imposition of this five-minute limitation on debate. When that is to be done, then it is time that we should strictly insist that measures not germane to the subject of the bill should not be sprung upon the Senate during that period of limitation on debate. That is all. The other rule that has been referred to by the Senator from California would remain in force, whether the limitation upon debate had been ordered under this rule or not. It is only upon the occasion of the imposition of a limitation on debate that I would suggest that the measures proposed should be of the nature of the bill itself, and not be incongruous or in the nature of general legislation.

I remember once when the law repealing the exclusion of witnesses on the ground of interest in the courts of justice was adopted by the Senate and by Congress, it was found not in a bill by itself, but found as an amendment to some appropriation bill; and any man who had occasion to find out the law, to learn its letter and its scope, was compelled to look almost as for a needle in a hay-stack to find it in the statutes of the United States. An exceedingly important provision, making all persons, parties or otherwise, competent witnesses in the courts of the United States, notwithstanding their interest, was put on as an amendment to an appropriation bill and possibly decided in a debate limited to five minutes. I mention that as an illustration of how incongruous may be amendments, and how, when they are incongruous, they should not be subjected at least to this limitation of five minutes.

It is true that under our rules it is in order to lay an amendment to an appropriation bill on the table, which motion prevailing carries to the table the amendment and does not disturb the bill. Nevertheless I think it is eminently in favor of a proper class of legislation that incongruous measures should not be blended in the same act; and that is made more necessary when the general rules of the Senate in regard to unlimited debate shall be set aside for a mere business purpose.

Mr. ANTHONY. Mr. President, I think that legislation upon an appropriation bill is manifestly improper and is an evil which has grown to very great proportions within a few years, and I should cheerfully vote for a joint rule prohibiting legislation upon any appropriation bill and confining the appropriation bills to carrying out existing laws, appropriating the necessary money for the purposes already provided for by statute. But it would be manifestly placing ourselves in a false position if we should allow the House of Representatives to send us appropriation bills with legislation upon them without our having the privilege of rejecting or altering their legislation or proposing something in its stead. It would bring us here merely to record their edicts or to deny them, while we had no such privilege ourselves.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Delaware, [Mr. BAYARD,] upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 25, nays 28; as follows:

YEAS—Messrs. Bayard, Boggy, Cockrell, Cooper, Davis, Dennis, Eaton, Goldthwaite, Hitchcock, Johnston, Jones of Florida, Kelly, Kernan, Key, McCreery, McDonald, Maxey, Merrimon, Norwood, Ransom, Stevenson, Thurman, Wallace, Whyte, and Withers—25.

NAYS—Messrs. Allison, Anthony, Boutwell, Cameron of Wisconsin, Conkling, Cragin, Dorsey, Edmunds, Ferry, Frelinghuysen, Hamilton, Harvey, Ingalls, Jones of Nevada, Logan, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Paddock, Sargent, Spencer, Wadleigh, West, Windom, and Wright—28.

ABSENT—Messrs. Alcorn, Booth, Bruce, Burnside, Cameron of Pennsylvania, Caperton, Christianity, Clayton, Conover, Dawes, English, Gordon, Hamlin, Howe, Patterson, Randolph, Robertson, Sanlisbury, Sharon, and Sherman—20.

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the resolution. The resolution was agreed to.

CENTRAL BRANCH UNION PACIFIC ROAD.

Mr. WRIGHT. I move to proceed to the consideration of Senate bill No. 60. I do not ask for action this afternoon, but I call it up so that it may be the pending order for to-morrow.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 60) declaring the true intent and meaning of the Union Pacific Railroad acts approved July 1, 1862, July 2, 1864, and July 3, 1866, and for other purposes.

Mr. WRIGHT. I have no wish to proceed with the bill to-day. I call it up now for this reason: The Senator from Kansas [Mr. INGALLS] said that when the bill should be called up he would be very glad that I would bring it to the attention of the Senate the day before, so that if he desired to address himself to the bill he might do so. I am quite willing to give way for a motion to adjourn or for an executive session; but before doing so I wish to say that a report was made on this bill at the last session of Congress which discussed the entire question. I have no disposition to discuss it, and do not expect to discuss it. I would be very glad if Senators would take up that report and examine it, if possible, before to-morrow, so that we may dispose of the question with as little delay as possible.

Mr. INGALLS. If I remember correctly, the report to which the Senator from Iowa alludes embraces about fifty-eight printed pages. The Senate will therefore see that the subject is one of considerable importance, and that it will require probably a large amount of discussion and debate. I venture to express the hope also that if this subject is taken up it may be with the understanding that there is to be a full consideration of it upon an understanding of the questions involved.

Mr. WRIGHT. I have not any expectation that the Senate will dispose of it otherwise than after the very fullest consideration. I only referred to the report that was made by the committee for the reason that it goes into the subject very fully; and I am very sure if Senators can have time to examine the report they will understand the entire question much better than they can from any debate that may take place here. I have no desire, however, to limit the debate on the bill in any way whatever.

Mr. SARGENT. I should like to ask the Senator from Iowa whether the purpose of this bill is not to negative a conclusion which the Government heretofore has maintained; that is to say, whether it is not to assert, by excluding a negative, that certain privileges were granted to a company by the Government; that a land grant which the Government up to this time has denied that its legislation gave to the company it will receive? The bill stating that it shall not have beyond a certain point, is it not in effect a grant up to that point, and so intended?

Mr. WRIGHT. I am not certain that the Senator understands the purport of the bill which relates to the Central Branch of the Union Pacific Railroad. The bill is in entire accord and harmony with the decisions of all departments of the Government up to about the time that a resolution was introduced by the Senator from New York, [Mr. CONKLING,] which was the foundation for this bill.

EXECUTIVE SESSION.

Mr. ANTHONY. 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 ten minutes spent in executive session the doors were re-opened, and (at three o'clock and thirty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 29, 1876.

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

The Journal of yesterday was read and approved.

CORRECTION OF THE RECORD.

Mr. WILLIAMS, of Indiana. I rise to a question of privilege. I am reported in the RECORD of to-day as having introduced a bill yesterday and made a motion to refer it to the Committee of the Whole House, which was decided against me by the Chair; and here is the remark I am reported as having made:

Mr. WILLIAMS, of Indiana. I do not ask that the bill shall be made a special order at all. The motion to refer to the Committee of the Whole has preference over all other committees, as the Chair will see if he will look at Rule 59.

What I said was to page 69 of the Digest and also to page 170 of the Rules of the House. I now ask the attention of the Chair and I will read the rule.

The SPEAKER. The Chair desires to say to the gentleman that it is very clear that the correction should be made in the RECORD as he desires, and unless he desires a further hearing it will be so ordered.

Mr. WILLIAMS, of Indiana. I merely want to read the rule as the reason why I made the motion:

The rules and practice of the House recognize two Committees of the Whole, namely, the Committee of the Whole House on the state of the Union, to which are referred public bills and public business, and the Committee of the Whole House, to which are referred private bills and private business.

"When a resolution shall be offered, or a motion made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order: The Committee of the Whole House on the state of the Union; the Committee of the Whole House; a standing committee; a select committee."

I therefore made a motion that the bill should be referred to the committee first in order, and I was overruled.

RED CLOUD AGENCY IN NEBRASKA.

The SPEAKER, by unanimous consent, laid before the House the following message from the President of the United States:

EXECUTIVE MANSION, February 28, 1876.

To the Senate and House of Representatives:

I lay before you herewith a communication from the Secretary of the Interior, of date of the 26th instant, upon the subject of the deficiency of supplies at the Red Cloud agency, Nebraska. This matter has already been presented to you by the Secretary, and the House of Representatives has requested investigation by a military officer of the causes of this deficiency. I have taken the proper steps to comply with this request of the House, but the present need of supplies is not disputed. A prolonged delay in furnishing provisions to these Indians will cause great distress and be likely to provoke raids on the white settlements and probably lead to general outbreak and hostilities. I therefore deem it proper to invite your attention to early and favorable action upon the estimates heretofore and herewith submitted. These estimates and the views of the Secretary in regard to this emergency meet with my full concurrence, and I recommend that the appropriation asked for may be made at the earliest day possible.

U. S. GRANT.

Mr. RANDALL. It is proper that I should say that the Committee on Appropriations considered this subject and were not able to get that information which they deemed essential, and therefore they made a report to the House recommending that the President of the United States should appoint an officer to go to the Red Cloud agency with a view of learning the facts. Now this communication would seem to imply that the President desires an appropriation for this deficiency prior to the report of that Army officer. I do not know what the judgment of the Committee on Appropriations would be in that connection; but unless that report is to be postponed for an unreasonable length of time, I think we should await its reception. There have been gross frauds perpetrated in connection with this agency. Last year we made a sufficient appropriation to cover all the expenses of the agency. In addition, there has been a disregard of law. But, as the President of the United States seems to consider it of sufficient importance to send a communication to the House upon the subject, of course the Committee on Appropriations will at once proceed to consider it.

Mr. ATKINS. Has the officer been appointed by the President for this purpose?

Mr. RANDALL. The President so states in his communication. I move that the message of the President, with the accompanying documents, be referred to the Committee on Appropriations and printed.

The motion was agreed to.

INDIAN DEPREDACTIONS.

The SPEAKER also laid before the House sundry communications from the Secretary of the Interior, transmitting, in compliance with the provisions of the act of May 29, 1872, the claims of many persons for indemnity for depredations committed by sundry bands of Indians; which were referred to the Committee of Claims.

SIOUX INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting an estimate for an appropriation of \$25,000 to pay the Sioux Indians for relinquishing the right to hunt in certain territory; which was referred to the Committee on Appropriations.

ALASKA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the copy of a brief on the subject of the jurisdiction of the War Department over the Territory of Alaska; which was referred to the Committee on the Territories, and ordered to be printed.

H. E. EBSTEIN.

The SPEAKER also laid before the House a letter from the Secretary of War, calling attention to his letter of the 4th of December, 1874, recommending the passage of a bill for the relief of Lieutenant H. E. Ebstein, Twenty-first Infantry; which was referred to the Committee on Military Affairs.

LEAVENWORTH STREET RAILROAD COMPANY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in connection with his letter of February 16, the reports of Generals Pope and Sherman on the bill to grant the right of way to the Leavenworth Street Railroad Company across the Fort Leavenworth military reservation; which was referred to the Committee on Military Affairs.

WILLIAM P. ROSS.

The SPEAKER also laid before the House a letter from the Attorney-General, transmitting, in response to a House resolution of the 15th instant, papers and records relating to the complicity of William P. Ross in the alleged Indian-bounty frauds of John W. Wright; which was referred to the Committee on Indian Affairs, and ordered to be printed.

RADDY M'CONNELL.

Mr. VANCE, of Ohio, by unanimous consent, introduced a bill (H. R. No. 2424) granting a pension to Raddy McConnell, of Meigs County, Ohio, a soldier 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.

MRS. CAMELIA DANIELS.

Mr. VANCE, of Ohio, also, by unanimous consent, introduced a bill (H. R. No. 2425) granting a pension to Mrs. Camelia Daniels, of Scioto County, Ohio, mother of James Steele Daniels, deceased, late a private, Company B, Twenty-second Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. — DORIAS.

Mr. VANCE, of Ohio, also, by unanimous consent, introduced a bill (H. R. No. 2426) granting a pension to Mrs. — Dorias, of Lawrence County, Ohio, mother of August Dorias, deceased, late a private of Battery L, First Ohio Light Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREEDMEN'S AFFAIRS.

Mr. BANNING, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to this House copies of the late reports of the Assistant Adjutant-General James M. Vincent in regard to freedmen's affairs.

DECLARATION OF INDEPENDENCE.

Mr. KELLEY. I ask unanimous consent to introduce for consideration at this time the joint resolution which I send to the Clerk's desk.

Mr. KASSON. I will not object to the introduction of the joint resolution for reference.

Mr. KELLEY. If the gentleman will hear me for one moment I think he will not object to considering and passing the joint resolution at this time.

A similar joint resolution was passed by the House on the 22d of last February, providing for the restoration of the signatures of the signers of the Declaration of Independence, which, either by the influence of time or the application of some chemical in taking a copy, have been almost effaced. The resolution provides that the Secretary of the Interior, the secretary of the Smithsonian Institution, and the Librarian of Congress shall be a commission to have the signatures restored, at the expense of the contingent fund of the Interior Department.

Mr. KASSON. If that is all, there is no objection to it.

Mr. KELLEY. A resolution of this kind passed the last House on the 22d of February, went to the Senate on the 23d, and was lost sight of in the haste incident to the closing of the session. There can be no objection to the measure.

The SPEAKER. The Clerk will read the joint resolution.

The joint resolution was read. It provides that a commission, consisting of the Secretary of the Interior, the secretary of the Smithsonian Institution, and the Librarian of Congress, be empowered to have resort to such means as will most effectually restore the writing of the original manuscript of the Declaration of Independence, with the signatures appended thereto, now in the United States Patent Office, and that the expense attending the same be defrayed out of the contingent fund of the Interior Department.

There being no objection, the joint resolution (H. R. No. 77) providing for the restoration of the original Declaration of Independence, was introduced, read a first and second time, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KELLEY moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TIMBER CULTURE.

Mr. SAYLER, by unanimous consent, introduced, from the Committee on Public Lands, a substitute (H. R. No. 2427) for House bill No. 625, a bill to amend the act entitled "An act to amend an act entitled 'An act to encourage the growth of timber on the western prairies,'" approved March 13, 1874, and, for House bill No. 643, a bill explanatory of the timber-culture act; which were read a first and second time, ordered to be printed, and recommended to the Committee on Public Lands.

LAND ENTRIES WITHIN RAILROAD GRANTS.

Mr. SAYLER. I am also directed by the Committee on Public Lands to ask that the House order the printing of the communication of the Commissioner of the General Land Office in relation to House bill N. 120 and Senate bill No. 34, with reference to confirming entries of public lands within the limits of railroad grants. It is a very important communication containing all the facts with reference to those grants.

The SPEAKER. If there be no objection, the printing will be ordered.

There was no objection, and it was ordered accordingly.

ESTIMATES OF NAVY DEPARTMENT.

Mr. BURLEIGH. I am directed by the Committee on Naval Affairs to report back, with amendments, a bill (H. R. No. 1344) directing the method of annual estimates of expenditures to be submitted from the Navy Department; and to ask unanimous consent that the bill, as amended, be ordered to be printed and made a special order for Thursday next after the morning hour.

Mr. WOOD, of New York. There is a special order set down for Thursday—the Hawaiian treaty.

Mr. RANDALL. Why could we not take up this bill after the morning hour to-day?

The question being put on the motion to make the bill a special order for Thursday next, it was not agreed to.

Mr. BURLEIGH. I move then that the bill be ordered to be printed and recommitted.

Mr. HALE. Not to be brought back on a motion to reconsider. The motion was agreed to.

ORDER OF BUSINESS.

Mr. BURCHARD, of Illinois. I move that the various votes this morning by which bills, &c., have been recommitted and referred be reconsidered, and that the motion to reconsider be laid on the table.

Several members called for the regular order.

The SPEAKER. The Chair desires to ask if it is the pleasure of the House that certain bills upon the Speaker's table shall now be appropriately referred.

There was no objection.

REFUNDING THE NATIONAL DEBT.

The bill (S. No. 478) amendatory of an act entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, and of an act entitled "An act to amend an act entitled 'An act to authorize the refunding of the national debt,'" approved January 20, 1871, was taken from the Speaker's table, read a first and second time, and referred to the Committee of Ways and Means.

B. P. PATTERSON.

The bill (S. No. 140) for the relief of B. P. Patterson was taken from the Speaker's table, read a first and second time, and referred to the Committee of Claims.

G. B. TYLER AND E. H. LUCKETT.

The bill (S. No. 489) for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham, was taken from the Speaker's table, read a first and second time, and referred to the Committee on the Judiciary.

ORDER OF BUSINESS.

The SPEAKER. The morning hour now begins at two minutes before one o'clock. The regular order is the call of committees for reports of a public nature; and the call rests with the Committee on Public Buildings and Grounds.

PUBLIC BUILDINGS, MEMPHIS, TENNESSEE.

Mr. YOUNG. I call for the consideration of the unfinished business of the morning hour.

The SPEAKER. The unfinished business coming over from the morning hour of Thursday last is a bill (H. R. No. 2286) to further provide for the building of a custom-house, post-office, court-room, &c., in the city of Memphis, reported from the Committee on Public Buildings and Grounds by the gentleman from Tennessee, [Mr. YOUNG.] The previous question had been seconded and the main question ordered, and under the operation thereof the pending amendments had been disposed of. The question now recurs on the engrossment and third reading of the bill as amended.

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

Mr. BEEBE. I demand the yeas and nays on the passage of the bill.

Mr. WELLS, of Missouri. I merely wish to state that this bill does not make an appropriation of money out of the Treasury, but simply prescribes a limitation upon the cost of this public building for various governmental purposes in the city of Memphis.

The yeas and nays were not ordered.

Mr. BEEBE. Mr. Speaker, is it in order now to move the recommitment of this bill to the Committee on Public Buildings and Grounds? The SPEAKER. It is.

Mr. BEEBE. Then I make that motion, and for this reason: I find upon investigation of this matter that this bill calls for the appropriation of \$400,000 as at present amended for the purpose of erecting a custom-house, court-house, &c., where the customs revenues amount to but \$33,000 a year and the expense of collecting that \$33,000 amounts to about \$10,000, making the net revenue to the Government something like \$20,000. As I understand it, the erection of this building has not yet begun.

Mr. WELLS, of Mississippi. I understand that the bill comes over from the last morning hour under the operation of the previous question.

The SPEAKER. The bill did come over from the last morning hour under the operation of the previous question, but the bill this morning has been ordered to be engrossed and read a third time, which exhausted the previous question. The question then recurred on the passage of the bill, when the gentleman from New York [Mr. BEEBE] moved its recommitment.

Mr. BEEBE. As I understand it, the previous question was demanded on the amendments then pending, which, upon consultation with old members of the House, goes merely to that amendment, and not to the passage of the bill.

The SPEAKER. The previous question exhausted itself on the

third reading of the engrossed bill and is not now pending, not having been called on the passage of the bill.

Mr. BEEBE. I will now resume the floor, and propose only to occupy the attention of the House for a little while.

As I have already stated, Mr. Speaker, the net revenue accruing to the Government at this point was something like \$20,000 a year. It is now proposed to erect a building which is to cost \$400,000. The gentleman from Pennsylvania, [Mr. KELLEY,] when the bill was under consideration on a previous occasion, stated that it was in his view the better policy to erect these costly and magnificent structures because they were to last for all time, and he took occasion at the same time to assure this House of the deep interest he felt in the welfare of the working classes. Now, sir, I appeal to him and to every gentleman on this floor who is really, sincerely, earnestly, and honestly in sympathy with the sentiment which prevailed at the popular elections which made this House politically what it is to-day, I appeal to all such to unite with me, and upon this the first occasion when a proposition comes before the House to commence the erection of a building to cost this enormous sum of money out of the Treasury of the United States, to repudiate it; and then, when we shall have defeated this measure, when we shall have broken whatever combination may exist here, we may hope to be able to beat similar measures as they are brought forward.

If I understand, Mr. Speaker, the sentiment of the people at this time, in view of the stringency in business matters throughout the land, it is opposed to the commencement of any new public works not absolutely indispensable. Why, sir, the Secretary of the Treasury in his budget asks for but \$100,000. Here we have a Secretary in sympathy with a party and Administration which we on this side of the House have denounced as corrupt in many of its features, and extravagant in all, asking for but \$100,000; and yet this House proposes to vote \$400,000!

Mr. HOLMAN. Will the gentleman yield to me for a moment?

Mr. BEEBE. Yes, sir.

Mr. HOLMAN. My friend from New York misapprehends this bill. In 1873 \$5,000 was appropriated to begin the construction of this building at Memphis, Tennessee, but it imposed no limit upon the cost of the building. The Secretary of the Treasury declined to proceed with the building of the custom-house, on the ground that no limit had been imposed on the cost, making however an estimate for the present current year of \$100,000.

The Committee on Public Buildings and Grounds reported this bill for two purposes. The city of Memphis had proposed to make a donation to the Government of a piece of ground, said to be quite valuable, on which the building should be erected. Congress had directed the sale of the present site by the same act of 1873 which made the appropriation of \$75,000. The committee desired to accomplish two purposes. Inasmuch as a limitation was necessary to the cost of the building, and the city of Memphis had donated the ground on the condition that the Government would commence the building in the month of May next—that is the language of the donation—the committee desired to fix first what might be the ultimate cost of the building, and they proposed as the limit \$600,000. The Secretary of the Treasury and the Supervising Architect of the Treasury had recommended that the limit be \$800,000. The committee fixed upon \$600,000. On my motion the House further amended the bill so as to reduce the amount to \$400,000 as the limit of the cost. But the bill does not propose to appropriate the \$100,000 asked for by the Secretary of the Treasury. On the contrary, I can assure my friend from New York [Mr. BEEBE] that so far as I am informed that \$100,000 will not be appropriated for this present current year as asked for by the Treasury Department.

What is proposed to be done by this bill is to fix the limit of the entire cost of the building when it shall be erected, and at the same time to provide that the Government shall take the necessary steps to obtain the benefit of this donation of land for a site. And I will say to my friend that the main controlling reason which induced the report of this bill was that the Government might obtain the benefit of this donation of a site of land for a building. And, further, by the second section the Secretary of the Treasury is authorized to sell the present site, and to cover into the Treasury the proceeds arising from such sale.

My friend from New York, therefore, will see from this explanation what is the exact object of the bill. It does not appropriate any money. It limits the cost of the building to \$400,000, while the Secretary of the Treasury and the Supervising Architect recommended the limit to be \$800,000. It makes no appropriation whatever, but simply seeks to obtain the benefit of this donation; nothing more.

If my friend's understanding of the object of the bill was correct, that the Treasury Department asked \$100,000, and that we propose to appropriate \$400,000, it would certainly be a case that might well excite great astonishment. But, so far from that being the case, we do not appropriate a dollar. Neither by the vote in this House nor by the report of the committee is one dollar sought to be appropriated for this purpose for the current year. We have thought, however, that it would be well for the Government to obtain the benefit of this donation; for my friend must see that sooner or later, if not now, yet in the future, and perhaps in the early future, it will be proper enough to erect a public building at the city of Memphis, not only on account of its having been deemed suitable to be a port of

entry, but also because it is a place where the Federal courts are held, and where post-office accommodation is wanted, and where the Government is now paying a very large sum of money for rent.

I agree with the gentleman from New York in all that he said in opposition to lavish expenditures for public buildings, and I am perfectly willing that after hearing this statement the House shall take any course it deems proper. But if we are to take advantage of this donation of the land from the city of Memphis, a bill of this character ought to be passed.

Mr. BEEBE. Mr. Speaker, I did not misunderstand this matter. I am very grateful to the gentleman from Indiana for his explanation, but it does not change my view of this subject one particle. By the gentleman's own admission, by the explanation which he has so generously and at such extended length given to this House, we find that legislation is necessary to secure the commencement of this building and the expenditure of this money. I am opposed to this proposition, and it is the proposition which I arose to oppose.

Sir, I am opposed to the erection of any building at Memphis, now or at any time, until it shall be shown that the public necessities demand the expenditure, and when the necessity arises it will be time to meet it. Why, sir, I find in looking over the estimates of the Secretary of the Treasury that \$28,000,000 are asked for public works for the next fiscal year against \$16,000,000 appropriated by what we on this side of the House denounced as an extravagant Congress last year. Sixteen million dollars were appropriated then, \$28,000,000 are called for now. And I will take occasion to say right here and now, that I believe if gentlemen will stop this unseemly wrangling about abstruse propositions of finance and approach the settlement of our difficulties in the only sensible and reasonable way, to wit, the bringing of the expenditures of the Government within the proceeds legitimately derived from the taxation of the Government, we will have done more and better than we can do in any other way. Now, sir, for one, I shall be found voting against any appropriation in the State of New York or out of it, unless I am thoroughly persuaded that an absolute and immediate necessity demands the appropriation. It will not do for gentlemen to say that the city of New York has had its millions for public buildings. Ah, gentlemen, when the city of New York makes any such demand as this, I shall regret it more than any one of you if you do not deny its demand. The city of New York I know has its costly structures, but she collects revenue there to the amount of \$108,000,000, while \$33,000 only are collected at Memphis. Erect a building on the same scale at New York—one proportioned to the amount of revenue derived—on the same scale as proposed for this at Memphis, and you will have a structure costing some thousands of millions of dollars.

Now, sir, I desire to meet this proposition right here and now. If there remains one dollar in the Treasury of the United States as to which additional legislation must be had before any expenditure can be made of it, then I say, let not that legislation be had, unless it is absolutely necessary, unless some public exigency demands it. I have no ill-feeling toward the city of Memphis, nor any other section of the country. I regard it all as one common country, but I believe it to be the duty of every Representative here to put forth the most earnest efforts to keep the expenditures within the most reasonable bounds, at least until business shall have revived and the country shall look out on a prospect which promises more and better for its welfare than anything which comes within the range of my vision now; and if it be in order I ask for the yeas and nays on the motion to recommit, because I want a record on this proposition.

Mr. SPRINGER. I think the gentleman from New York is entirely mistaken with regard to the provisions of this bill. Its purpose is simply to limit the Treasury Department in making plans of this court-house below \$400,000 and to authorize the sale of a lot now held by the Government in the city of Memphis, and to accept the donation of another lot by the city council of that city. That is everything there is in the bill. When the question comes up of appropriating money to build a custom-house in the city of Memphis, the argument of the gentleman from New York would be in order; now it does not apply. I can see nothing objectionable in the immediate passage of the bill; it is certainly a limitation upon the Secretary of the Treasury of the United States and the Supervising Architect of the Treasury.

Mr. KASSON. Will the gentleman from Illinois [Mr. SPRINGER] give me some information? I could not hear the chairman of the Committee on Public Buildings and Grounds; his remarks were addressed the other way, and I am therefore left without the information he gave? I understood the gentleman from Illinois [Mr. SPRINGER] to state that the only object of this bill is to put a limitation on the appropriation and also to dispose of a piece of public land owned in the city of Memphis by the Government.

Mr. SPRINGER. And to accept a lot from the city of Memphis.

Mr. KASSON. The point that I think I have not heard any one state occurred to me in reading the bill, if I am not misinformed—and I have not read the bill for several days—and it is this, that in connection with the acceptance of a lot from the city of Memphis the United States binds itself, making a contract with that city, to erect this building thereon for certain purposes. If I am not mistaken that provision is put in the clause of the bill which accepts the grant of the property to the United States.

Mr. HOLMAN. Allow me a word,

Mr. KASSON. Now that the gentleman from Indiana is on his feet, let me ask him do I suppose rightly that he is advocating an appropriation while the gentleman from New York [Mr. BEEBE] is opposing it? I never knew such a thing happen before, and I can hardly believe it.

Mr. HOLMAN. The gentleman makes a very good point, and I am glad to see him smile. My friends from New York and Iowa will observe the simple facts as to this matter of a contract. The donation of a site was made, as I have stated, on the condition, in view of the legislation of Congress of 1873 providing for this building and appropriating \$75,000 for that purpose—which is still unexpended, and has not been covered into the Treasury—that this appropriation should be effectual and the title vested in the United States, provided the Government commenced the erection of the building by the month of May, 1876. The language of this bill is, on the advice of the Secretary of the Treasury and the Supervising Architect of the Treasury, that the Secretary of the Treasury take such steps as may be necessary to secure that donation which was made on condition that the work should be commenced by the month of May, 1876, and the purpose of the bill is that the Secretary of the Treasury shall take the necessary steps to obtain the benefit of that donation.

Mr. KASSON. Am I right then in saying that by that clause of the bill the United States makes a contract with the city of Memphis to construct this building?

Mr. HOLMAN. I do not think my friend from Iowa can call it a contract.

Mr. KASSON. I think there is no doubt of it.

Mr. HOLMAN. The donation was made on the condition that the Secretary of the Treasury should take the necessary steps to secure the benefit of the donation. If the Government does not think proper to begin the construction within the time specified, then as a matter of course the donation lapses; otherwise it becomes effective.

Mr. BEEBE. Is not additional legislation necessary to make the appropriation available?

Mr. HOLMAN. I think so.

Mr. BEEBE. If we have a right to reduce the amount from \$600,000 to \$400,000, is not it much better that we should cut it off altogether?

Mr. HOLMAN. I am not asking any appropriation at all or insisting on the construction of the building. My own opinion is that it is well that the Government should avail itself of this donation, but I do not think that we should at the outset make a large appropriation for the building; I think the business of constructing buildings ought to be very slow, and I am very much obliged to the gentleman from New York for the earnest protest he has entered against the expenditure of large sums of money in the erection of public buildings; I am obliged to him for it.

Mr. YOUNG. Mr. Speaker, I desire to say only a few words in reply to the gentleman from New York, [Mr. BEEBE.] If, sir, he had exercised the same industry in searching for all the facts which might very properly enter into this discussion as he has in gathering up those which relate alone to the poverty of Memphis, and the small amount of customs dues collected at that port, he would, I think, have discovered many other facts which might in all probability have influenced both his vote and his speech upon this measure. He might have discovered, as I have done since I have had this bill in hand, that the entire State of Tennessee has only received from the General Government since 1789 up to 1873, for the purpose of improving rivers and harbors, constructing roads, and erecting public buildings, \$451,826.29, while, during the same period and for the same purpose, the gentleman's own State of New York has succeeded in obtaining from the Federal Treasury the sum of \$15,691,722.32; and since the date of the report from which I take the figures, namely, January 7, 1874, additional appropriations have swelled the amount to nearly twenty millions. The figures show something of a contrast in the benefits received by my own and the gentleman's State from the bounty of the General Government. Greater research might also have disclosed to the gentleman the fact that in two years alone, in the midst of all the calamities brought upon her by the war, Memphis paid into the Federal Treasury \$21,000,000. Now is it too much to ask that \$400,000 of this shall be expended in her midst, upon a work from which the General Government would receive the larger share of advantage; but even this sum is not asked as a present appropriation.

It is only sought by this bill to secure the benefit of past legislation, both to the city and to the Government. And when even this little is asked, to my surprise and astonishment I find myself confronted by the opposition of the gentleman who comes from a State that has been so generously provided for at the public expense. And I respectfully submit that it is not a very graceful or generous thing to deny to us who have not been so fortunate the little which is sought to be obtained by this bill. I ask the gentleman if he has not commenced inculcating the lessons of economy at rather a late period? This is all I have to say. I feel that I can with confidence appeal to the justice and generosity of this House, to both democrats and republicans, to deal fairly and justly with the city and section I have the honor to represent upon this floor.

Mr. BEEBE. If this question is put upon the ground of generosity and charity there are many other cities that might be as much entitled to it as Memphis.

Mr. YOUNG. Memphis desires no charity, nor am I asking for any, but only for justice and a respect for former laws.

Mr. BEEBE. All I desire to add is that if this is a matter of charity or generosity, then, if we have the right to consider that, I am perhaps inclined to be as generous toward the gentleman as he would wish.

The question was on the motion to recommit.

Mr. BEEBE. Upon that motion I call for the yeas and nays.

The question was taken upon ordering the yeas and nays; and upon a division, there were—yeas 28, noes 107.

So (one-fifth voting in the affirmative) the yeas and nays were ordered.

Mr. BEEBE. At the request of friends I am willing to withdraw the motion to recommit, if the yeas and nays can be taken upon the passage of the bill.

The SPEAKER. That would require unanimous consent at this time.

There being no objection, it was so ordered.

The question was then taken on the passage of the bill as amended; and there were—yeas 169, nays 56, not voting 64; as follows:

YEAS—Messrs. Adams, Ashe, Atkins, George A. Bagley, Banks, Bass, Blackburn, Bland, Bliss, Blount, Boone, Bradford, Bradley, Bright, William R. Brown, Buckner, Horatio C. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Caswell, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Conger, Cook, Cox, Crapo, Crounse, Culberson, Cutler, Davis, Davy, Denison, Dibrell, Dunnell, Durham, Ellis, Ely, Felton, Forney, Fort, Franklin, Freeman, Frost, Fuller, Garfield, Gause, Glover, Goode, Gunter, Hancock, Haralson, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hatch, Hathorn, Henderson, Henkle, Hereford, Abram S. Hewitt, Hill, Hoar, Hoge, Holman, Hooker, Hopkins, House, Hunton, Hurd, Hyman, Jenks, Frank Jones, Thomas L. Jones, Kehr, Kelley, Kimball, Lamar, Franklin Landers, Lane, Leavenworth, Levy, Lewis, Luttrell, Lynch, Edmund W. M. Mackey, Levi A. Mackey, Maish, MacDougall, Meade, Milliken, Mills, Monroe, Morgan, Morrison, Mutchler, Nash, New, Norton, O'Brien, Oliver, O'Neill, Packer, Page, Payne, Phelps, John F. Phillips, William A. Phillips, Pierce, Potter, Rainey, Rea, Reagan, John Reilly, Rice, Riddle, John Robbins, Roberts, Saylor, Scales, Seelye, Singleton, Sinickson, Slemmons, Smalls, William E. Smith, Springer, Strait, Stevenson, Stone, Swann, Teese, Terry, Thompson, Thomas, Thornburgh, Throckmorton, Tucker, Tufts, Van Vorhes, John L. Vance, Robert B. Vance, Waddell, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, Walsh, Erastus Wells, G. Wiley Wells, White, Whitthorne, Wigginton, Willard, Alpheus S. Williams, Jeremiah N. Williams, William B. Williams, Willis, Alan Wood, jr., Woodburn, Woodworth, Yeates, and Young—169.

NAYS—Messrs. Ainsworth, Anderson, John H. Bagley, jr., John H. Baker, Balfour, Barnum, Beebe, Bell, Blair, Burleigh, Cannon, Cason, Cate, Cochran, Cowan, Danford, De Bolt, Durand, Eames, Eden, Goodin, Andrew H. Hamilton, Robert Hamilton, Raymond, Goldsmith W. Hewitt, Hoskins, Hunter, Hurlbut, Joyce, Kasson, George M. Landers, Lawrence, Lord, Lynde, McDill, McMahon, Metcalfe, Neal, Plaisted, Poppleton, Randall, James B. Reilly, Robinson, Sobieski Ross, Sampson, Savage, A. Herr Smith, Southard, Sparks, Stowell, Tarbox, Washington, Townsend, Turney, Walling, Walls, Whiting, Wike, and James Wilson—56.

NOT VOTING—Messrs. Bagby, William H. Baker, Banning, Blaine, John Young Brown, Samuel D. Burchard, Caulfield, Chapin, Chittenden, Collins, Darrall, Dobbins, Douglas, Egbert, Evans, Farwell, Faulkner, Foster, Frye, Gibson, Hale, Benjamin W. Harris, Hartzell, Hays, Hendee, Hubbell, Ketchum, King, Knott, Lapham, Magoon, McCrary, McFarland, Miller, Money, Mores, Odell, Parsons, Piper, Platt, Powell, Pratt, Purman, William M. Robbins, Miles Ross, Rusk, Schleicher, Schumaker, Shenkley, Stenger, Martin I. Townsend, John W. Wallace, Ward, Warren, Wheeler, Whitehouse, Andrew Williams, Charles G. Williams, James Williams, James D. Williams, Wilshire, Benjamin Wilson, and Fernando Wood—63.

So the bill was passed.

During the call of the roll,

Mr. BOONE said: My colleague, Mr. BROWN, has been called home by severe illness in his family.

Mr. COCHRANE. My colleague, Mr. STENGER, was called home yesterday on important business.

Mr. BLACKBURN. My colleague, Mr. KNOTT, is detained from the House by reason of the serious illness of a member of his family.

Mr. JOYCE. My colleague, Mr. HENDEE, is detained from the House to-day by indisposition.

Mr. YOUNG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TEXAN FRONTIER TROUBLES.

Mr. BANKS, by unanimous consent, from the Select Committee on the Texan Frontier Troubles, reported the following resolution; which was read, considered, and adopted:

Resolved, That the report of the Committee on the Texan Frontier Troubles and the evidence taken by said committee be printed for the use of the House.

Mr. BANKS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RESTORATION OF PENSIONERS OF THE WAR OF 1812.

Mr. HUNTON. Has the morning hour expired?

The SPEAKER. It has.

Mr. HUNTON. Then I move that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of proceeding with the further consideration of the bill (H. R. No. 1605) amending the laws granting pensions to the soldiers and sailors of the war of 1812 and their widows.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole (Mr. BLACKBURN in the chair), and resumed the consideration of the bill (H. R. No. 1605) amending the laws granting pensions to the soldiers and sailors of the war of 1812 and their widows.

such of said soldiers as are now deceased. I am, therefore, in favor of the provisions of this bill in so far as they propose to accomplish this object by extending the right to a pension to all of such soldiers

Mr. NEAL. Mr. Chairman, I approve the general policy of granting pensions to the soldiers of the war of 1812 and to the widows of who served for the period of five days in that war and to their widows, where they were married prior to 1850. I would be willing to go even further than this, and give a pension to every soldier of that war, without regard to his time of service.

But while this is true, I am opposed to the fifth section of the bill as it now stands, and I shall vote for the amendment to it offered by the gentleman from Wisconsin, [Mr. CASWELL.] When we give to those interested in this section a full pension of \$8 per month for and during the term of their natural lives from the time the bill shall become a law, that is certainly all that they can in justice expect. Neither they nor their friends ought to ask any more of us. If by reason of their participation in the rebellion, or from any other cause growing out of the war, the payment of their pensions was stopped, it is not our place now to pay them such arrears and remunerate them for their misfortune.

Almost every one, North and South, made sacrifices and met with losses of one kind or another during the war. Such was the inevitable result of the war. And for us, in this case, to make good to these parties losses thus sustained by them—for that is what it will amount to—will be to establish a precedent far-reaching and dangerous in its character; one which, if followed as it undoubtedly will be, will in a little while deplete the public Treasury and bankrupt the Government. It will require an appropriation of more than \$500,000 to comply with the requirements of this section, should it be retained and the bill become a law. But this sum, large though it be, will be but a trifle, when compared with the millions that will follow it. There will be no end to the number or amount of claims that will be forced upon us if we open wide the door and invite their presentation by recognizing the justice and validity of this one. The fact that the parties who will be benefited by this section are old, infirm, and decrepit cannot alter the case. We cannot justify a vote for it upon any such ground; and unless we can put our support of it upon this ground alone I cannot conceive upon what principle it can be sustained.

The true theory upon which the whole pension system rests is that the Government, not as a debt, which it is compelled in honor to pay, but as a mere token of its appreciation of their patriotism and services, voluntarily assumes the obligation of relieving the necessities of those who come to its rescue in the hour of its peril, when they shall need its aid. This the Government will do here, when it restores to the pension-roll the names of such soldiers of the war of 1812 as have been stricken from it by previous acts or joint resolutions of Congress, without paying them for the time they have been so suspended. We shall deal most liberally with all such when, overlooking their conduct during the war and blotting out all that stands charged against them for that time, we place them upon an equal footing in the future with their old comrades in arms.

Mr. BLAND. Mr. Chairman, I send to the Clerk's desk to be read some remarks made upon this subject in the last Congress by Mr. Butler, of Massachusetts.

The Clerk read as follows:

Mr. BUTLER, of Massachusetts. I move to amend by striking out the following proviso at the end of the fifth section:

"Provided, That the restoration and pension contemplated herein shall take effect from the passage of this act."

The section to which this amendment is appended proposes to remove from the pensioners the disability imposed by the act of 1864. Now, it seems to me manifestly unjust that by this proviso we should confiscate the pension during the intervening time. While the war was going on, while the Union was still unrestored, it was a very proper thing to cut off the pensions of those who were disloyal. But I cannot see why the pensions of these men should be confiscated by the Government while no other property is confiscated. Therefore I desire a vote upon the question of striking out these words.

Mr. SPRAGUE. The amendment would restore pensions which have been lost by reason of disloyalty during the rebellion; and we do not propose in this bill to put the disloyal upon an equality with those who have been faithful to the country. That is the objection to the amendment of the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. To that I make this answer: Those who had not served for sixty days or for any specified time are now put upon the pension-rolls. These men had, according to the judgment of Congress, rendered such service as to entitle them to a pension; it was their right which had been granted to them. The pension was their property, inalienable except on account of their disloyalty during the rebellion and while the safety of the country required such a policy. But the time of danger is now passed; and I do not see why these old men should be deprived of their pensions while all other persons in the South are left to enjoy their property. If anybody wants to introduce a general confiscation act with reference to property in the South, I do not know whether I shall vote for it or not; but I certainly am not going to vote for confiscation unless it is general.

The amendment of Mr. BUTLER, of Massachusetts, was agreed to.

A MEMBER. What was the vote?

Mr. BLAND. The vote is not given. The amendment was adopted without opposition. The last House was two-thirds republican; yet that amendment was adopted; and the very amendment that the gentleman from Maine [Mr. HALE] called our attention to the other day as being a remarkably liberal proposition for that side to vote for was adopted by that House.

During the war it was contrary to public policy to pay these pensions in the South for two reasons. One was that the money itself might be used against the Government and in aid of those in hostility to it. Another reason was that the necessities of war required that the lines of communication should be closed. But, as was said by Mr. Butler in the argument just read, this is a debt which belongs to those parties, and to deny it to them now, after the reason for the

act which prevented their receiving these pensions has ceased, is simply a confiscation of their property, and the only confiscation so far as I know that has ever taken place under this Government. Shall it be said that the men of the Revolution, the soldiers of the war of 1812, alone are to be the subject of confiscation by the Congress of the United States? Will the gentleman from Maine, [Mr. HALE,] as he has done, still insist that on this side of the House are the only friends those soldiers have? I deny that is the fact; and the sentiment of that side of the House, as expressed on the point the other day when this bill was being considered, as well as during the last Congress, shows that he does not represent his colleagues on this floor or his constituents.

I say it is but justice to these old men, and, as was remarked in a previous Congress, if they did err, their many services to this country and by their acts making it possible we should have a country entitled them to err at least once in their lives. Shall we vote a million and a half of dollars for a centennial show and exhibition and deny the paltry sum due these men who made it possible for us to have such exhibition in this centennial year? What would foreign nations and peoples coming to our country say of a Congress and country which voted this subsidy to a private corporation and yet denied to the patriots who preserved this country in its time of peril their just rights?

[Here the hammer fell.]

Mr. JENKS. I wish to offer a substitute for the amendment now under consideration, to be inserted as a proviso at the close of the fifth section.

Mr. HUNTON. I ask that the pending amendment be reported.

The CHAIRMAN. The pending question is on the amendment of the gentleman from Wisconsin [Mr. CASWELL,] as modified by the amendment of the gentleman from Virginia, [Mr. HARRIS,] which the Clerk will read.

The Clerk read as follows:

Strike out all after the word "62," in line 11, and add the following proviso:

"Provided, That no money shall be paid to any one on account of arrears during the term of his disability, except the widows of revolutionary pensioners."

Mr. JENKS. I move as a substitute for that the following proviso:

The Clerk read as follows:

"And provided, That under the provisions of this act no arrears of pension shall be paid for any portion of time during the existence of rebellion to any one who either participated in the rebellion or held any office therein under the so-called southern confederacy."

Mr. JENKS. Mr. Chairman, a nation's true glory consists in the favorable opinion of men of wisdom and discernment, and that favorable opinion must always depend upon the justice and beneficence of its legislation. Justice ought always to be first, beneficence second, and there is no attribute of a government that so fully commands the respect of all mankind as that it shall be strictly just. Our honorable friend from New York, [Mr. TOWNSEND,] who is always apt to go to the very verge of either right or wrong, if he be going in any direction, goes to the very verge of beneficence. He proposes now to pension and pay the arrears which may have accrued during the pendency of the late civil war. This would be giving a primary consideration to beneficence, but it would forget justice. The Government of the United States ought not, and cannot in justice be called upon, to pay a pension to the very hand that is striking at the national life at the time that blow is suspended. It cannot be justified on any principle of international law ever known. Yet these pensions ought to be paid from the expiration of the civil war.

This section has in contemplation only invalid pensions. There is a distinction between an invalid pension and a pension to those who are not invalids, in this, that the invalid pension is really a debt of a high order, while a pension to those who are not invalids is a mere gratuity. Hence, the pensions to these invalids being a debt could not be confiscated if we could not confiscate the same debt when we were carrying on a foreign war. If we were carrying on a war against a foreign nation under the law of nations, we could and would, so far as anything that would aid the subjects of that nation in carrying on that war, confiscate anything due to a citizen of the nation at that time. Hence, during the existence of that war, during the existence of the rebellion—and a rebellion never stands on higher ground than a foreign war—during the existence of that rebellion we ought not to pay any pension to any man who is striking at the life of the Government; but, it being a debt, the very moment the rebel laid down his arms just that moment the Government, if it is going to do so, should grant amnesty, and the whole past should go into oblivion. As to these old soldiers, let us pay them from the moment they laid down their arms, but do not let us place ourselves in the position of paying to any man during the existence of the civil war who was striking at the national life any pension or any gratuity.

I therefore ask my amendment be added as a proviso to the fifth section. We say it is just, and that these invalid pensions are a debt of a high order. This fifth section only relates to them. They stand in the relation of having lost some limb or been wounded, or having contracted some disease in the line of their duty in the defense of their country's flag. They themselves must bear the anguish and the pain, and must bear the mortification perhaps of deformity. For this the Government cannot pay them. But it can remunerate them for actual loss; and this is done in the shape of a pension paid them year by year for the proportionate loss they have sustained each year in

consequence of that injury which they received while fighting for their country. Hence, this being a debt, and as it is owing to a class of men who are eminently meritorious and who must be at least seventy-seven years of age, we say pay these old men, grant them their pension and their arrears from the moment they laid down their arms against the Government, but not before. And this will be effected if we amend the section in the way I propose.

Mr. COOK rose.

Mr. HUNTON. I desire to make a parliamentary inquiry. I want to know the effect of the adoption of the substitute of the gentleman from Pennsylvania, [Mr. JENKS.] I think I understand it, and I want the House to understand it. As I understand, if the substitute offered by the gentleman from Pennsylvania be adopted, the fifth section will stand as it is with that substitute added to it as a proviso. Am I correct?

The CHAIRMAN. In reply to the gentleman from Virginia, the Chair would state that he understood the gentleman from Pennsylvania to offer the amendment that has just been read by the Clerk as a substitute for the amendment offered by the gentleman from Wisconsin, [Mr. CASWELL.]

Mr. HUNTON. I understand that.

The CHAIRMAN. The Chair then states that the conclusions of the gentleman from Virginia are correct. If the substitute offered by the gentleman from Pennsylvania is adopted, the fifth section will stand as it now does, with the addition of the words contained in the substitute.

Mr. COOK. I had trusted, Mr. Chairman, and hoped that this bill would have passed almost without discussion, as it did in the last session of Congress. Some gentlemen have deemed it proper to interpose objections to it now which were not offered to it then. I should not have said anything on the subject if it had not been for the remarks of the gentleman from Maine, [Mr. HALE,] and probably will not now, except to call the attention of that gentleman, who has always, when he has taken the floor, shown himself a very fair-minded man except whenever he hears of a southern claim being presented to Congress, and he is then like a mad dog in the sight of water, rather rabid—except, I say, to call the attention of that gentleman to the fact that by the decision of the Supreme Court of the United States the whole of this question has been settled.

The facts of the case are that under the law of the country these parties had a right to this pension. It had been given to them and was secured to them. They had enjoyed it for years. During the rebellion, necessarily and properly, it was suspended. Upon the close of the rebellion, the President of the United States, by authority of Congress, issued his amnesty proclamation, and the Supreme Court have held repeatedly, and continued to repeat that decision whenever a case was brought before them, that that restored every human being in this country to all his rights of property and all his other rights.

The first case that came up—I ask the attention of the gentleman from Maine; I will not make a speech, but I will simply read the authority for what I am saying, and I ask the attention of the gentleman from Maine, the gentleman from New York, [Mr. TOWNSEND,] and my other friends on that side—the first case that came up was that of Garland, who sought to be admitted to practice in the Federal court, but could not take the oath that he had never engaged in the rebellion. And when he came forward and presented himself in this building to resume his practice before the Supreme Court, and that point was made upon him, the court gave a decision in language which I shall read, Chief Justice Chase being on the bench, a man whose loyalty to the Government has never been questioned, whose integrity and good faith as a man have never been doubted, and whose learning and ability as a lawyer and a judge are universally recognized in this country:

Exclusion from the practice of the law in the Federal courts, or from any of the ordinary avocations of life for *past conduct* is punishment for such conduct. The exaction of the oath is the mode provided for ascertaining the parties upon whom the act is intended to operate.

The act being of this character partakes of the nature of a bill of pains and penalties, and is subject to the constitutional inhibition against the passage of bills of attainder, under which general designation bills of pains and penalties are included.

In the exclusion which the act adjudges it imposes a punishment for some of the acts specified which were not punishable at the time they were committed, and for other of the acts it adds a new punishment to that before prescribed, and it is thus within the inhibition of the Constitution against the passage of an *ex post facto* law.

The power of pardon conferred by the Constitution upon the President is unlimited except in cases of impeachment. It extends to every offense known to the law, and may be exercised at any time after its commission, either before legal proceedings are taken or during their pendency, or after conviction and judgment. The power is not subject to legislative control.

And therefore this Congress by the act it had passed prescribing this oath could not deprive Mr. Garland of his right to practice before that court, and he was admitted. I will not read the decision. It is a long one. This case is in the fourth volume of Wallace's Reports of Supreme Court cases.

Again, in the ninth volume there is the case of a man from the State of Georgia, who had a claim against the Government for property seized. They decided in that case the same question, and I will read the decision briefly:

But it has been suggested that the property was captured in fact, if not lawfully; and that the proceeds having been paid into the Treasury of the United States, the

petitioner is without remedy in the Court of Claims unless proof is made that he gave no aid nor comfort to the rebellion. The suggestion is ingenious, but we do not think it sound. The sufficient answer to it is that after the pardon no offense connected with the rebellion can be imputed to him. If in other respects the petitioner made the proof which, under the act, entitled him to a decree for the proceeds of his property, the law makes the proof of pardon a complete substitute for proof that he gave no aid or comfort to the rebellion.

I read further:

1. Claimants under the captured and abandoned property act of March 12, 1863, are not deprived of the benefits of that act because of aid and comfort not voluntarily given by them to the rebellion.

2. But voluntarily executing as surety, through motives of personal friendship to the principals, the official bonds of persons acting as quartermasters or assistant commissaries in the rebel army, was giving aid and comfort to the rebellion, although the principals by their appointment to the offices named escaped active military service and were enabled to remain at home in the discharge of their offices respectively.

3. Taking possession of a city by the national forces was not, of itself, and without some actual seizure of it in obedience to the orders of the commanding general, a capture within the meaning of the act of the cotton which happened to be in the city at the time of the entry of the forces.

4. Hence, where prior to any such seizure an owner of cotton, who, though opposed to the rebellion, had given aid and comfort to it to the extent above mentioned, but was not within any of the classes excepted by the President's proclamation of December 8, 1863, and in regard to whose property in the cotton no rights of third persons had intervened—took the oath prescribed by that act and kept it. Held, after a seizure and sale of the cotton by the Government, that he was entitled to the net proceeds as given to loyal owners under the abandoned and captured property act. Having been pardoned, his offense in executing the bonds, could not be imputed to him.

I read, sir, now from 13 Wallace in the case of the United States vs. Klein, appealed by the United States from the court below:

1. The act of March 12, 1863, (12 Statutes at Large, 220,) to provide for the collection of abandoned and captured property in insurrectionary districts within the United States, does not confiscate or in any case absolutely divest the property of the original owner, even though disloyal. By the seizure the Government constituted itself a trustee for those who were entitled, or whom it should thereafter recognize as entitled.

2. By virtue of the act of 17th of July, 1862, authorizing the President to offer pardon on such condition as he might think advisable, and the proclamation of 8th of December, 1863, which promised a restoration of full rights of property, except as to slaves, on condition that the prescribed oath be taken and kept inviolate, the persons who had faithfully accepted the conditions offered became entitled to the proceeds of their property thus paid into the Treasury, on application within two years from the close of the war.

3. The repeal, by act of 31st of January, 1867, (after the war had closed,) of the act of 17th of July, 1862, authorizing the Executive to offer pardon, did not alter the operation of the pardon, or the obligation of Congress to give full effect to it if necessary by legislation.

4. The provision in the appropriation act of July 12, 1870, (16 Statutes at Large, 235,) in substance is in conflict with the views expressed in paragraphs 1, 2, and 3, above, and is unconstitutional and void. Its substance being that an acceptance of a pardon without a disclaimer shall be conclusive evidence of rights conferred by it, both in the Court of Claims and in this court, it invades the powers both of the judicial and of the executive departments of the Government.

With that proviso in it, it became a law, and that proviso is what the Supreme Court has declared unconstitutional and void. I believe it was known as the Drake amendment. I do not know whether the gentleman from Maine [Mr. HALE] was in that Congress, or whether he voted for it or not.

It was, in fact, promised for an equivalent, "pardon and restoration of political rights" were "in return" for the oath and its fulfillment. To refuse it would be a breach of faith not less "cruel and astounding" than to abandon the freed people whom the Executive had promised to maintain in their freedom.

And, yet from the expiration of those two years to this hour, the door of the court has been perpetually shut against these applicants, and it stands so to-day, and it is the law requiring this oath which has closed the doors of your Pension Office against these old pensioners.

It was urged in argument that the right to sue the Government in the Court of Claims is a matter of favor; but this seems not entirely accurate. It is as much the duty of the Government as of individuals to fulfill its obligations. Before the establishment of the Court of Claims claimants could only be heard by Congress.

I read further:

Now it is clear that the Legislature cannot change the effect of such a pardon any more than the Executive can change a law. Yet this is attempted by the provision under consideration. The court is required to receive special pardons as evidence of guilt, and to treat them as null and void. It is required to disregard pardons granted by proclamation on condition, though the condition has been fulfilled, and to deny them their legal effect. This certainly impairs the legal authority and directs the court to be instrumental to that end.

We think it unnecessary to enlarge. The simplest statement is the best. We repeat that it is impossible to believe that this provision was not inserted on the appropriation bill through inadvertence; and that we shall not best fulfill the deliberate will of the Legislature by denying the motion to dismiss and affirming the judgment of the Court of Claims, which is accordingly done.

That was the earnest, forcible, clear, impressive language of the Chief Justice of the country in reviewing all these matters immediately after the war, and no man contributed more by his counsels, his unwearied uniform exertion, in sustaining the war against the rebellion than did that man; but he felt a solemn responsibility to the obligation he owed as a judge on the bench of the supreme legal authority under the Constitution of his country.

I will only say in conclusion, Mr. Chairman, when the descendants of these men may be challenged to show their patriotism in defense of their country, I undertake to say that the men who confronted them at Sharpsburg and in the Wilderness will not question or doubt their courage as brave men. Sir, this measure is not just; it is in conformity with the proclamation of your President, with the solemn adjudicated decisions of your courts; it is in accordance with the good sentiment throughout the country, that these persons should be re-

stored to their rights, and I say that the men of the North and the West would feel aggrieved when they had denied to the ancestors of his fellow-soldiers the pittance the Government owes them.

Mr. KASSON. I have been somewhat troubled to find out the real significance of this pension bill. I think it possible that my examination of the previous laws may aid some other gentlemen in coming to a correct judgment upon this bill, and may illustrate in some degree the theory upon which it is framed.

To begin, I find that it proposes a complete substitute for the law of 1871, and then it proceeds to re-enact nearly every provision of that law except that which excludes from the benefits of the act a certain class of disloyal pensioners. It does, however, accomplish this other result, also, to reduce the period of service from sixty days to ten days, so far as the soldiers of the war of 1812 are concerned.

Then, hanging upon this simple change of a reduction of time of service, come these other new provisions to which I will refer, and upon which depend the appropriation annually of a very large sum of money, a very considerable immediate appropriation in gross for arrearages, and an unknown amount of appropriations called for in the future by the theory upon which the gentleman from Georgia [Mr. COOK] stands who last spoke, and also by the theory upon which they propose to repeal the laws of 1862 and the other laws establishing a disability because of rebellion. I think therefore it is fair to say that upon the consideration of this bill upon those grounds depends somewhere from one to two score of millions of dollars, I am not certain but I ought to say three score millions. When you say that the imposition of these disabilities was a violation of the contract between the Government and the pensioner, and that you violated the Constitution (upon the theory attributed to Chief Justice Chase) by what you have done, which is the point contended for on that side of the House, then clearly you must go back and pay the entire arrearages of the last fourteen years due to persons engaged in rebellion, amounting to an aggregate of many millions.

The question, then, is one of vast importance. If this bill shall receive in its present form the favorable consideration of this Committee of the Whole, then when it comes before the House I shall ask permission to submit a motion to recommit this bill in order that we may have more full information and report from the committee.

Now, sir, had we a right to cease the payment of money to the pensioners of the United States because of the fact that they were at the time seeking to destroy the Government and the nation which was paying them? Had we a right to do that? Or was the granting of a pension for past services a contract of so high a nature that we must continue to pay that pension to an enemy of the country in battle against it? That is the ground contended for by those who favor this proposition to pay arrearages. I venture to state that not a statesman or publicist upon either side of the ocean ever contended that the most solemn contract known, that of a treaty between nations, requires the payment of money called for even by treaty while that country is an enemy. Even upon the settlement of a peace the whole question is re-opened, as to the moral obligation implied to carry out a previous expressed contract. Then I say that, not only because we would, in paying this money, have aided an enemy to destroy the Government which paid it, not only on that ground, but also on the ground that nothing in the shape of a contract terminated by war-legislation could continue after the war-unless restored by legislation, we cannot be called upon to pass this bill.

Again, the granting of these pensions now under consideration was an act of sovereign gratuity by the Government in recognition of the services supposed to have been rendered by the pensioners; and every pensioner is constantly at the discretion of his Government as to the amount of his compensation and as to the continuance of his pension. That being so, on both grounds, because the pensioner was at the time an enemy of the country that paid the pension and because, whether enemy or not, the whole subject is one of legislative discretion, I contend that to-day the question may be treated by us as an entirely new question. It presents itself in this simple form: Ought we to pay these men now in question, and not yet restored to the pension-roll, the amount which has been paid to the others, who remained loyal?

Mr. BLAND. Will the gentleman allow me to ask him a question?

Mr. KASSON. Certainly.

Mr. BLAND. Inasmuch as the last House passed this same bill, why did not the gentleman then make his able speech in opposition to its passage at that time, when General Butler was advocating it?

Mr. KASSON. I am not aware that this bill was then presented for action in its present form to this House. If so, it escaped my attention at that time.

Mr. BLAND. As shown by the record, this House adopted the same provisions, and the gentleman from Iowa [Mr. KASSON] made no objection.

Mr. KASSON. Including the arrearages?

Mr. BLAND. Yes.

Mr. KASSON. Having taken no part in the consideration of that bill, I come to this one to-day as a fresh question, and I leave to gentlemen who did participate in it to make the requisite explanation as to differences between the two bills.

Mr. CASWELL. If the gentleman will permit me I will say that I have here a copy of the bill said to have been passed by the last House of Representatives, I fail to find in it any clause which pro-

vides for the payment of arrearages; if there be such a clause I would thank any gentleman to point it out.

Mr. KASSON. I am told by gentlemen that there was no such clause in that bill. Now, to go on with the consideration of this question, because I want to treat it with perfect fairness.

Mr. JENKS. Will the gentleman allow me a question?

Mr. KASSON. Certainly.

Mr. JENKS. Do you understand this bill to provide for the payment of arrearages to any pensioner now living, or to his heirs, if dead?

Mr. KASSON. Yes, sir; it does this: It says in effect that if a soldier died bearing arms against the Government of the United States all that would have been due to him up to the time of his death is payable to his minor heirs or his widow, if there is one.

Mr. JENKS. That is not in the bill.

Mr. KASSON. It is in the last section. The sixth section provides—

That the surviving widow of any pensioner of the war of 1812, where the name of said pensioner was stricken from the pension-rolls in pursuance of the act entitled "An act authorizing the Secretary of the Interior to strike from the pension-rolls the names of such persons as have taken up arms against the Government, or who have in any manner encouraged the rebels," approved February 4, 1862, and where said pensioner died without his name being restored to the rolls, shall be entitled to the arrearages of pension due said pensioner at the time of his decease; and the marriage of such widow shall not prevent her from receiving such arrearages of pension. In case there is no surviving widow, then such arrearages of pension shall, upon similar proof, go to the minor children of such pensioner.

Mr. JENKS. Does not that refer to an invalid and not to a sturdy pensioner?

Mr. KASSON. It refers to the man whoever he was that had a pension.

Now, I want to say that this bill goes further in its purpose to benefit soldiers who fought against the Union than any bill ever passed within my knowledge for the benefit of the soldiers who fought to maintain the Union. We are continually getting letters (at least I am receiving them) from unfortunate people whose pensions have been cut off by the statute of limitations, who are not permitted to come in and get the pensions that they unquestionably would have been entitled to if they had applied in time. I have now in my desk a letter from a widow representing her case—a simple failure to make her application in time; and our laws have not extended the time for the benefit of such persons.

It is proposed now by this bill to pay to the widow and children arrearages covering a period when the husband or father was actually warring against the United States. If gentlemen appeal to me as an individual and say: "Here is a case for charity; the widows or minor children of men who fought against the Government are in distress," they are welcome to the share of such charity that I can give. But the demand is upon the Government of the United States, as an act of justice; we are asked to go further for the widows and orphans of those who died in the rebellion than our present laws allow us to go for the relief of widows and orphans of those who fought to save the Government. For them our bills allow no arrearages. I cannot support a bill which, upon the theory of magnanimity and generosity, goes further than we have hitherto gone on the theory of justice and actual compensation. For this reason I submit to gentlemen on both sides of the House that they are demanding too much of members, at least on this side of the House, when they ask support for a bill of this nature.

You will observe also, Mr. Chairman, that in the fifth section of the bill the words "on account of service of the war of 1812 against Great Britain" have been stricken out; and in striking those out you have opened the whole question of the Mexican-war pensioners; you have brought all the soldiers of that war under the same provision. Hence the theory that the soldiers of the war of the Revolution and the war of 1812 were too old to do much harm to their country in the late war—a theory which is very just, a declaration which I do not dispute in the main—is done away with by enlarging the bill to take in all the soldiers of the late Mexican war who were disloyal. And we cannot fail to recollect that one of those soldiers was at the head of the confederate government. Therefore they were not too old to have participated in the effort to overthrow the Government of the United States. Yet that modification is made very quietly; and the bill since it was reported is certainly made broad enough to take in all this class of soldiers.

Mr. DE BOLT. The gentleman is under a mistake in saying that the bill takes in all soldiers of the Mexican war; it only includes those who were previously pensioned.

Mr. KASSON. Of course I meant those included within the terms of the bill, not all surviving soldiers of the war of 182, but all those who would be covered under the provisions of the bill.

What else does this bill propose? It proposes, according to the estimate of the Commissioner of Pensions, to add 5,650 men to the pension-rolls by reason of the reduction of the time from sixty days to ten days; and the House has since gone on and by an amendment made that five days. How many more are thus added we have no estimate, because the Commissioner of Pensions has not been interrogated upon this point. The widows added under the ten days' clause would be 1,620. But even the limitation to widows who were married prior to 1850 has been struck out; so that it includes all widows up to 1876. Of the number thus included there has been no esti-

mate offered. Of those married prior to 1850 the number to be added to the pension rolls, according to the estimate of the Commissioner of Pensions, is 15,000, making 22,300 names to be added to the pension-rolls and requiring an annual appropriation of \$2,140,000. If such unprecedented provisions were required for pensions of invalids—if it were necessary upon the principles on which pensions are granted that this should be done—not one word of objection would be heard. But the question presented to the House is whether we are not carrying the pension laws to the extreme of a dangerous precedent when we get down to what is called a five days' service of a man not an invalid, and counting from the time the man started from his home as a minute-man until the time he got back again. I suggest to the House that it ought to be considered by a committee whether it does not establish a very dangerous precedent, and abolish the special honor of a pensioned soldier, to enact a pension law making no distinction between service proper and the simple opportunity for service.

Mr. BLAND. Did not that amendment come from the other side of the House?

Mr. KASSON. That is very possible. I am speaking irrespectively of sides of the House on this question.

Mr. BLAND. It came from the gentleman from New York, [Mr. HOSKINS.]

Mr. KASSON. After we have refused on every pension bill that has been offered here for some years past to pay any arrears of pension whatever to the national soldier, it is now proposed to pay arrearsages in the cases to which I have referred, alleged to be due to the secession soldier.

It is asking, Mr. Chairman, too much from gentlemen who recognize the demands of the country, the merits of the soldiers who have fought for the country, and the distinctive claims of justice as existing between soldiers who sustained the Government and those who sought to overthrow it.

Mr. DUNNELL obtained the floor.

Mr. HUNTON. I do not desire to hamper debate, but we are in the Committee of the Whole under the five-minute rule, and I wish to call the attention of the chairman of the committee to that fact. The RECORD discloses the fact. After I had concluded a remark or two, as the CONGRESSIONAL RECORD will show, I asked unanimous consent that the bill be considered section by section under the five-minute rule. I further stated that, as some gentlemen desired to offer amendments, they could introduce them better by considering the bill section by section under the five-minute rule. No objection was made, and it was so ordered.

The CHAIRMAN. Such appears to be the fact that, by unanimous consent, the committee agreed for that day to consider the bill under the five-minute rule.

Mr. HOAR. I rise to inquire whether an agreement of that kind made in committee can bind the committee in the discussion of the bill this day just as though an order were made under the rules in the House for the limitation of debate to the five-minute rule?

The CHAIRMAN. If the agreement, as reported by the gentleman from Virginia, was made in the Committee of the Whole on the State of the Union, and not in the House itself, it is competent for this committee to disregard that arrangement.

Mr. TOWNSEND, of New York. I hope the gentleman from Virginia will not insist on the limitation of debate at this time.

Mr. BLAND. When the motion was made to go into the Committee of the Whole on the state of the Union for the consideration of this bill, there was incorporated that the consideration of the bill in the committee should be under the five-minute rule.

The CHAIRMAN. The Chair understands that the House was in the Committee of the Whole on the state of the Union at the time the request was made by the gentleman from Virginia [Mr. HUNTON] for limitation of the debate to the five-minute rule, and was agreed to unanimously. If so, it is not competent, the Chair holds, for the committee to limit debate contrary to the rule of the House if there be objection at this time.

Mr. HUNTON. It is true that the agreement was made in the Committee of the Whole, but it was made by unanimous consent. In my judgment the Committee of the Whole have the right, by unanimous consent, to make such an order.

The CHAIRMAN. The Chair will restate its opinion that the agreement having been made in the Committee of the Whole, although made by unanimous consent, it does not bind the committee now contrary to its own preference. Does the gentleman insist on his point that the committee shall consider this under the five-minute rule?

Mr. HUNTON. I understand the ruling of the Chair to be that I cannot insist on it.

The CHAIRMAN. The Chair rules that the gentleman cannot insist upon it contrary to the preference of the committee.

Mr. HUNTON. Unless a majority of the committee rescind that order I ask then that the order limiting the debate to the five-minute rule be observed.

The CHAIRMAN. The gentleman from Virginia asks that the rule adopted by the Committee of the Whole on the state of the Union to consider this bill under the five-minute rule shall apply to the discussion during this day. Is there any objection?

Mr. HOAR. The Chair will pardon me. I do not wish to prolong the discussion of this point, but it is important to the rights of the

minority to preserve the unfettered privilege of debate and amendment in the Committee of the Whole on the state of the Union. That is the only value of the rule of the House which sends certain classes of questions to the Committee of the Whole. I therefore must insist, if the gentleman desires to limit debate, upon his going into the House to obtain the order which is requisite under the rules.

Mr. LAWRENCE. Is it not competent for the Committee of the Whole to determine for itself, by unanimous consent, under what rule the debate shall continue? Such has been the practice, but if the decision is now otherwise we can go into the House and make the order.

The CHAIRMAN. The ruling of the Chair is that it is competent for the House to limit the debate in the committee on a measure of this kind, but that it is not competent for the committee itself to make such an order. The CONGRESSIONAL RECORD shows that by unanimous consent the debate was limited the other day to the five-minute rule. The gentleman from Virginia asks that be the limitation to-day, and the Chair decides that such cannot be done against the preference of the committee.

Mr. HUNTON. I withdraw the point of order for the present.

Mr. DUNNELL. Mr. Chairman, I will not occupy more than the five minutes allotted me in what I have to say on the pending bill. I have watched its progress with a great deal of interest. I did hope it would come before the House in such a manner that it could be passed unanimously as a similar bill was passed in the last two Congresses. I am well aware and satisfied that the whole country will sustain the House in placing upon the pension-roll the few remaining old men who served in the war of 1812. The Senate, during the last Congress, as well as in the Forty-second Congress, set itself against the popular will when it refused to pass the bills for pensioning these old soldiers which had already passed this House.

Now, sir, there are but few of these old soldiers of the war of 1812 remaining. They are old and generally poor and destitute. Five years ago, when I took my seat in this House, five of them lived in my district, and during the next year four of them made a pilgrimage to my residence, their neighbors giving them the means so that they might in person learn perchance whether Congress was going to be liberal enough to place them upon the pension-roll. I assured them again and again of the wish and intention of the House, but was compelled at the same time to admit the unwillingness of the Senate to pass the bills which had passed the House.

The present bill differs from the bills that have already been passed in that it proposes, first to restore to the pension-rolls those who were stricken off because of a supposed participation in the rebellion; and again, it proposes to pay arrearsages. Now, Mr. Chairman, I think we ought to come to a compromise upon this measure; and certainly it would be a fair, a just, and a generous compromise to restore to the pension-rolls all those who were stricken off because of this supposed participation in the rebellion and let the arrearsages provided for in the sixth section be stricken out. The bill, if the arrearsages be made a part of it, can never pass the Senate. We know that fact, and I say we are justified in regarding it in the passage of this bill through the House. But I am satisfied that the country will sustain both the House and the Senate in restoring to the pension-rolls those who did participate in the rebellion, if nothing further be attempted.

I have never been able to count up against those old men in the South a very great crime. They were old and feeble. Their sons and sons-in-laws and their grandsons were in the rebellion. Suppose perchance they did sympathize. Back of all that sympathy had by these old men for the rebellion there was a period in their lives, a time when they were full-blooded, in their strength and in their manhood, when they were gallant defenders of the Republic. Back of that period I will go to find reasons for my support of this measure. I would restore them to the rolls and let them one by one pass off the stage, conscious that the Republic they had served in their youth recognized them, though late, and restored them to its rolls. Five of these men were in my district. One of them had served fifty-nine days and another fifty-five days. Two of them have gone, buried by charity, buried at the expense of the town in one instance. I say it is unworthy of this great Republic, rich in wealth, rich in prospective power, to let a gallant defender of the Republic die in that way. Although he served but one day, his spirit was ready. When his service was required, he threw himself into the breach and offered himself for all the service that his country required, no matter what that might be.

Now, Mr. Chairman, I think we ought to pass this bill. We ought to be disposed fairly to compromise our differences. Restore to the pension-rolls those that were stricken from a supposed connection with the rebellion, and let the proviso which provides for arrearsages be stricken out, as it must and would certainly fail in the Senate. I think we ought to pass the bill restoring to the pension-rolls all those who served in the war of 1812 for five days, whether they live to-day in the North or in the South, in the East or in the West. It would be a grand act, a gracious one on our part, and a just act, for which we could defend ourselves in the presence of the people, although I think we could not do so if we made provision for the arrearsages to those who were dropped from the rolls during the war. Let us take a practical view of this question, and not fail in the main and chief result by clinging to impracticable conditions.

Mr. HURLBUT. I desire to say a few words in relation to this

bill, and to say them without any hostility to any of the men who are especially sought to be relieved by this measure. I am compelled, sir, by a sense of duty to oppose this bill; because, in the first place, I believe the original bill as reported was vicious in substance and bad in form, and that the amendments which have been added to it have extended its scope, enlarged its viciousness, and made it more burdensome to the country.

First, sir, I desire gentlemen to consider here that there is not and cannot be any such thing as a vested right, a commercial transaction between the country and those who are the recipients of its bounty. Every nation has the right inherently to command the services of its citizens just whenever it calls for them, to call for their lives, to demand their money; and the measure of the citizen's duty is only limited by the necessities of the country. There is no contract of dollars and cents in that. So whoever may render service in a military capacity to the nation simply does his plain, unmistakable, undeniable duty, and whatever reward the nation may give him for having done that duty is in the line of free gift and grace, and not in the line of contract. And until this time I never heard any man talk of any such thing as a contract between the soldier and the nation giving him the right to a pension.

This is undoubtedly the state of the case. It is the history of all nations. It is the history of this nation. It is the history of the branch of this nation which undertook to set up a separate government. Each party in the late civil war commanded by right the services of those who remained within its limits, and those who entered the service simply obeyed the call of duty in doing so; and whatever gratuity the surviving party may have thought proper to give for services heretofore rendered is simply a gift, a gratuity, a donation.

Now, it is true that there are scattered through this country not a great many men, but some survivors who have rendered good service in the war of the Revolution. A few still remain of the war of 1812; a few more of the Mexican war. And now I come to the real proposition which lies at the bottom of this bill. It has been shown here by my friend from Iowa [Mr. KASSON] that, by a most ingenious dropping out of certain words that attracted no particular attention at the time, all the pensioners of the Mexican war in the Southern States are included within the provisions of this bill.

Now, sir, as there are duties belonging to a citizen toward his government, so there are donations which the Government may make to that citizen for the performance of his duty; so it follows correlatively that there may be a forfeiture of the right to these gratuities, and these forfeitures have been inflicted on certain persons who, having earned the gratitude of the nation by previous good services, forfeited that right by abandoning the very nation they had formerly served. I care nothing about the motives, but I say that they abandoned their country in the hours of its extremest need. Now, if any one should say that these men did not forfeit and abandon by their action all the right and all the claim they may have had against the Government for their previous service, he would be saying what no man of good sound sense it seems to me would admit. Now, the point is, that it is proposed to extend the clemency of this Government, the good-nature of this Government, the lavishness of this Government, over all this class of people.

For one, I am disposed to do just simply this: whenever the friends of this bill will so limit it down to parties who had joined in resisting the Government; men who, being pensioners of the Government, yet conspired with its enemies; men who in the plain, clear light of the unamended Constitution, the Constitution as it was, the Constitution which the gentleman from Georgia [Mr. HILL] says he hugged to his bosom when he went, the plain, strict construction of that Constitution defines what the crime treason is in levying war against the United States—now, I am willing to signalize this time by giving to these men relief from now on, not because they deserve it, for they do not, but I will do it because I wish the magnanimity of this country in this matter to stand unquestioned before the world. But when you ask me in addition to that to add provisions to this bill which do not apply to our own soldiers and their widows and orphans; when you ask me to do to the men who according to their abilities undertook to destroy the Union what is not done to our own men, I resist it, and I say that the public sentiment of the country never will bear out any such paltering with the plain principles of justice. I call the attention of this House and I call the attention of every member of the House, on both sides, to the real thing that is intended by the bill as amended. I call their attention to the increase of the pensioners of this country. I call their attention to the fact that in this bill and in no other that ever has been passed the widows and orphans of the men who died under this disability are allowed to recover all their arrearages accruing during the time of disability.

Mr. HOLMAN. Is not my friend mistaken as to our never having passed a bill containing that provision? It seems to me there was a similar provision in the bill which passed the House upon the 14th day of March, 1874, upon the subject of pensions.

Mr. HURLBUT. Ah, but that is not the law.

Mr. HOLMAN. Of course not.

Mr. HURLBUT. You mean the bill that passed the House.

Mr. HOLMAN. I understood you to say that no such bill had passed the House.

Mr. HURLBUT. If I said that I spoke incorrectly. I meant to say that no such bill had become a law. Now, if gentlemen desire to get

rid of the impressions already prevalent in the public mind that this carefully worded and skillfully managed bill is simply an entering-wedge to a vast number of bills behind, they will send the bill to the committee and strip it of all these unnecessary things and render not justice but charity and mercy to these surviving men, who were carried away by excitement during the late war. When they put the bill in that shape they will have my support, and not until then.

Mr. HUNTON. I move that the committee rise, and I make the motion for the purpose of moving in the House to go into Committee of the Whole again with a limitation of five minutes on debate.

Mr. HOLMAN. I suggest to the gentleman that, in order to avoid the necessity of going into the House, he ask unanimous consent that the debate be limited to five minutes.

Mr. HOSKINS. I do not object to the arrangement nor to the object the gentleman has in rising, but I desire to remind the gentleman from Indiana that an arrangement has already been made to-day in reference to this bill, that the debate should not be limited until the close of the session to-morrow, and it is not in the power of the Committee of the Whole even by unanimous consent to change that arrangement. The House only can do it. I think therefore it is necessary that the committee should rise.

The CHAIRMAN. The Chair would state that the gentleman from Indiana is asking, in order to obviate the necessity of going into the House, that now, by unanimous consent, the debate from this time shall be limited to five minutes. Is there any objection?

The Chair hears none, and it will be so understood.

Mr. CASWELL. While this bill was under consideration the other day it may have been supposed by some that I was antagonizing it. Sir, I am in favor of the principal features of this bill if gentlemen will divest it and take from it those objectionable features which are so unjustly laid upon the burdens of the soldiers of the war of 1812. The bill as it now stands would change all the pension laws of the United States. In addition to those features already pointed out by gentlemen, this bill proposes to change section 4716 of the Revised Statutes, which I desire to read:

No money on account of pensions shall be paid to any person or to the widow, children, or heirs of any deceased person who in any manner voluntarily engaged in, or aided or abetted, the late rebellion against the authority of the United States.

Now if you repeal that section a larger number will be upon the pension-roll than there has been since 1871, because all those whose names were barred or are now barred because they subsequently participated in the rebellion may be added to the roll.

Now I say I am in favor of this bill, and for that reason I claim that it is unfair that we should tack on it a measure so radical and weighty as the one which is here proposed. If this bill should become a law we will be paying a pension to men for the very period when they were fighting against this Government. Does history furnish such an example? Is there anywhere in the history of any nation on earth a precedent to justify our paying men pensions during the very period when they were fighting against their Government? Such an act on our part would be a novelty of generosity unheard of before. It would be a departure from every principle of self-government. How long can a government survive in the exercise of such political economy as that?

I do not wish to be harsh or unjust to anybody, and especially to the soldiers of the war of 1812, whether they live in the South or in the North. But I wish to preserve that consistency which every nation owes to itself, and not add a premium for rebellion against our country. If this bill shall now become a law it will go further in the direction of amnesty than any measure that has ever been advocated on this floor. Does my distinguished friend from New York, [Mr. TOWNSEND], who so ably contended against universal amnesty, desire now to go much further than that bill contemplated? Why, sir, this bill will not only take them back, but will pay them \$8 a month during the very period they were in rebellion. Or does the able gentleman from Massachusetts, [Mr. BANKS], whose fidelity to the Government has never been questioned, desire to remove from the statute-book the only provision which makes a distinction between loyalty and disloyalty? Why not strike from the statute-book every provision which imposes a disability upon those in rebellion against their Government?

Each of these measures may become popular in time, but let each measure stand alone on its merits, and not at this late day impose it as a weight upon the soldier of the war of 1812, and say that the pension shall be withheld from him until we shall strike down the statute imposing a disability for rebellion. It is an unjust burden to be laid upon these old soldiers; and I appeal to those who are really in favor of restoring pensions to these old men who have been so long knocking at the door of Congress, to strip this bill of its objectionable features, and put it in such a shape that it will be likely to become a law.

Mr. HOOKER. I desire to say a few words in reference to this bill, not that I believe any one of my constituents will be affected by it one way or the other. The opposition which has been made to it, it seems to me, is predicated upon an idea entirely inconsistent with the principle upon which the Government originally granted these pensions. With all due respect to the distinguished gentlemen who have spoken upon the opposite side of this Chamber, as to the principle which governed in the original grant of pensions, we have the extraordi-

nary spectacle now presented to the country, both by the proclamations of your executives in former times and by the decisions of your Supreme Court solemnly made, that the class of persons who are affected by this bill shall not be debarred from entering your tribunals of justice and demanding compensation for the losses which they have sustained during the late war; and that by pardons, whether by general proclamation or by special act, they are restored to all their rights to claim in the tribunals of their country compensation for their property, whether for losses incurred while they were disloyal or not.

The decisions of your Supreme Court, in the cases referred to by my friend from Georgia, [Mr. COOK,] the case of Garland, and the more recent case of Klein, went to the point that when a party had been pardoned he stood, as the adjudications of all the courts say he does stand, as if he had never committed the offense. In other words, that that offense has been obliterated by the act of the Government in granting pardon, and he is restored to all his rights, in the language of the Supreme Court, "precisely as if he had never committed the offense."

Now shall the Congress of the United States, by refusing to pass this measure, say that, while they recognize the justice and propriety of these acts of the Executive Department of the Government, while they bow to the adjudications of the supreme judicial tribunal of the land, they will make an invidious exception in regard to one class of citizens alone, those who were soldiers and toilers in your behalf in the war of 1812? That exception is much more invidious than the exception which was attempted to be grafted upon what was known as "the amnesty bill." It is an exception against a class of citizens who were granted pensions for services rendered long before they had committed an offense against the Government. If the Government in its clemency, acting either through its executive in the form of a pardon or through the decisions of the Supreme Court, will restore to the rebel citizens of the South their right to claim compensation for the loss of their property, why will you not restore the rights of the soldiers of the war of 1812 to be paid the pensions which the Government has given them?

It has been said by the gentleman from Iowa, [Mr. KASSON,] and by other gentlemen who have spoken upon this question, that these pensions are not of the nature of a contract between the Government on the one side and the veteran soldier on the other; that it is not a contract with the soldier to give him so much compensation for his services.

No, Mr. Chairman, it is not governed by any such simple mercantile relation. It was a donation for services rendered in a war with a foreign country. It was an acknowledgment of the services of these soldiers in that war. To say now that you will deny this pension to them because of an offense subsequently committed, is to say to the veteran soldiers of the war of 1812, a few of whom yet remain, (like the hemlock of the native region of the gentleman from Maine, dying at the top but still surviving,) and whose hope is that ere their death they may be recognized as having once rendered service to their country—

[Here the hammer fell.]

Mr. JONES, of Kentucky. Cannot the Committee of the Whole, by unanimous consent, allow the gentleman to proceed?

The CHAIRMAN, (Mr. HARRIS, of Virginia.) The Chair understands that by unanimous consent a few moments ago it was determined to adhere to the five-minute rule.

Mr. KASSON. I rise to oppose the amendment. That is in order; and I yield to the gentleman from Mississippi, [Mr. HOOKER.] But in doing this, will the gentleman allow me to ask him one question?

Mr. HOOKER. Certainly.

Mr. KASSON. I wish to ask the gentleman whether the principle he is contending for does not extend to the allowance of all claims of those who were enemies for a time but who have now been restored to all the rights of citizens?

Mr. HOOKER. I was about to say that it seems to me an extreme act of injustice to this class of pensioners for the Government, forgetful of the services which they once rendered, to attempt now by withholding these arrearages of pensions to visit upon them punishment for an offense which they subsequently committed.

It is stated, sir, that the Israelites, when unable to drink the bitter waters of Marah, discovered a tree which possessed the capacity of extracting the bitterness from the waters; and I had hoped that in this centennial period, in this era of good feeling between all sections of the country, we should be able to find in the record of these veterans of the war of 1812 something which might extract the bitterness from those waters of contest with reference to the rebellion, which some gentlemen here seem always ready to agitate. I had thought that this Congress of the United States was but the conduit-pipe by which the common sentiment of the American heart, with its desire to throw oblivion over these contests, should find expression. I had thought that there would be no limit to the feeling of generosity toward the soldiers of the war of 1812 and the desire to cast the mantle of oblivion over the fierce civil contest which had agitated our country to its center. I had hoped that the spirit of amnesty and kindly feeling would come as naturally as the water from the mountain-side—

Giving a gentle kiss to every sedge
He overtaketh in his pilgrimage;
And so by many winding nooks he strays,
With willing sport to the wild ocean.

I had hoped that we should not hear of restriction or of limitation or of any opposition to what a gentleman from Massachusetts has well said is but a simple act of justice.

Is it becoming for us now to say to these men, "True, you bared your breasts to the storm of war when the nation ranking as strongest upon the sea and upon the land was arrayed against your country; true, you shouldered your muskets and drew your swords in defense of that country; but you have committed an offense since. True, if you wanted to go into the courts of the country and prosecute your claim for property, this generous Government would forgive and forget the offense you have committed. Your offenses would not be remembered against you, if you were simply a party in court demanding compensation for property destroyed by the events of the war." But when the question is whether the Government shall forget an offense committed by these veterans of 1812, only a few of whom are now left to be solaced by our bounty and they trembling upon the verge of the grave, we propose to show no forgiveness. Is this just, or generous, or merciful?

[Here the hammer fell.]

Mr. VANCE, of North Carolina. I will not detain the committee long. I desire to oppose the amendment of the gentleman from Pennsylvania [Mr. JENKS] on two grounds. First, the original bill which came from the committee in the Forty-third Congress contained the following language:

On proof satisfactory to the Secretary of the Interior that said pensioner did not take up arms against the Government or in any manner encourage the rebels.

This is similar to the amendment offered by the gentleman from Pennsylvania. The RECORD of that day shows that those words were stricken out by a vote of 92 to 54, and the bill as it went to the Senate restored the pensions of those soldiers who had been dropped under previous acts. I want to inquire now whether this House is less liberal than the Congress of two years ago? Has the shadow upon the dial of humanity gone back within these two years past and gone? Have the soldiers referred to manifested any new act of hostility that now they meet this opposition?

Another objection I have to the amendment is that it implies a censure upon the soldiers who were in the service on the southern side of the question. It carries with it the implication that those soldiers were to blame for bringing on the war. Allow me to say, Mr. Chairman, that of all the people in the South, the soldiers who went to the field and suffered were the least to blame. Where did the war commence? It did not commence in the hearts of the masses of the people of the South. The people there were for the Union. Where did the war commence? I believe it commenced in this Hall and in the other end of the national Capitol. Gentlemen made speeches here which were scattered broadcast over the land, and when the troubles came on eloquent men appeared before the masses and incited them to take up arms. Why, Mr. Chairman, they often said, "Go where glory waits thee," and some of these men said, "What a sweet and proper thing it is to die for one's country;" but many of them took good care not to die themselves worth a cent. [Great laughter.]

What is the effect of this amendment? The effect is to censure the soldier and to censure the plain men of the country; yet I undertake to say to-day that these soldiers were less to blame than anybody else in that unhappy struggle.

The CHAIRMAN, (Mr. HARRIS, of Virginia, in the chair.) The gentleman's time has expired.

Mr. VANCE, of North Carolina. I did want to say one or two more things.

The CHAIRMAN. The Chair is informed that the gentleman has one minute more of his time remaining.

Mr. VANCE, of North Carolina. Allow me to say then just this, and I wish every gentleman present to hear it: If there were a foreign war, if there were any trouble to grow up between this and a foreign country, and God forbid there should be, because all men I think now desire peace; but let me say to you as a humble southern soldier himself, that if there were any trouble to-day with any foreign country no men on the top of God's green earth would respond more readily to that call than the men in gray.

The CHAIRMAN. The gentleman's time has expired.

Mr. VANCE, of North Carolina. You want me to quit now, do you? [Great laughter.] I regret I have not a few minutes more time.

Mr. TOWNSEND, of New York. Mr. Chairman, I am constantly increasing in my notion that I was right originally in regard to this bill, for I find myself assailed by the gentleman from Pennsylvania, [Mr. JENKS,] who takes one view; by the gentleman from Georgia, [Mr. COOK,] who takes another view; and by my friends on this side of the House, who take all sorts of views. [Laughter.] Therefore I am satisfied, when I am in opposition to so many opinions, I must have been right.

Now the committee that matured this bill was the Committee on Revolutionary Pensions and the War of 1812. We matured a bill relating wholly to the pensioners of the war of 1812. We brought that bill into this House, and if it had been left in its application to the pensioners of the war of 1812 I should feel I was doing here, as I felt I was doing in the committee, my duty to the pensioners and the country in sustaining that bill. But not upon the ground that the pensioner has the right with the muzzle of a pistol to demand of the country a pension! Good God! are we to have that doctrine pre-

sented here or anywhere else that a pensioner has the right to make such a demand of the country? Not at all. It is not upon any such ground. It was upon the ground that these men had rendered efficient service, and it became the country to be liberal to them in turn. The service was all rendered before the pension was granted. What, sir, shall there be what was called "back pay?" Shall there be a distinction favorable to those pensioners of the war of 1812 that we do not grant to our soldiers who have more recently served the country? I would not do it. Our soldiers who have been recently invalidated in the cause of their country are allowed their pensions from the date of the pension. So I would do by the pensioners of the war of 1812. I would allow pension from the time it was right, merely going back on the dial to 1862.

But let us not be mistaken. They say, "TOWNSEND is softening." [Laughter.] The gentleman from Pennsylvania [Mr. JENKS] has obliged me with an account of my character. He said I always run on extremes. I am obliged to him, but I hope under Heaven I shall always be right when I am in extremes.

What do we propose to do? We propose to restore pensions to a body of men every one of whom in consequence of having served his country between 1812 and 1815 had in 1861 dragged a miserable, diseased, and maimed carcass for forty-five years, and who have now dragged that same diseased carcass to the borders of the grave for nearly sixty years. These were the men for whom I "slopped over." [Laughter.] These were the men to whom I proposed to give pensions; and if this House, if this committee, has gone beyond the view of the committee which reported this bill and added the pensioners of the war with Mexico, and therefore created some possible difficulty in regard to the matter, it is the fault of this committee, and not the fault of the committee which reported the bill.

Sir, I do not know but it will be wiser to send this bill back to the committee, and let us lick it into shape again. I am not certain but when the committee rises that should be done.

But I rose simply to vindicate the committee for the views that induced it to recommend that the old men who were tottering on crutches in 1861 should have the pensions they would have had but for the madness that existed at that period.

[Here the hammer fell.]

Mr. WILLIAMS, of Wisconsin. Mr. Chairman, I have been denied the privilege of listening to this discussion by service on committee, and must speak somewhat at random. It has been claimed that to deny this arrearage of pension to these old soldiers is to strike at the sick, the maimed, and the helpless veterans of the war of 1812, and that if they forfeited their right to pension it was through the misfortunes of war and not by any fault of theirs; that they must have been nearly sixty years of age, and could not have participated actively in the rebellion. Admitting this, and passing by the fact that men at the age of sixty are far from being devoid of power and influence in the communities where they reside, and conceding that they were innocent victims of the war, still, sir, we cannot forget the fact that they were not its only victims; and, if innocent, their case only furnishes another instance of that inexorable law whereby the innocent must suffer for the crimes of the guilty. And, sir, we cannot forget if we would who the guilty were and how they struggled for four years, not that these old veterans might not receive a pension, but that no true soldier of the Republic should ever receive a pension from its Treasury again! During that time they not only levied no tax and contributed no revenue for the payment of these suspended pensions, but they compassed the powers of earth and hell to prevent the United States from ever drawing support from them again for any purpose whatever, however just or humane. Victims, indeed! There is not a child in its cradle to-day, so far from drawing support from its country, that its labors are not mortgaged through life to the grave to discharge the debt imposed by this mad, wicked, and godless rebellion.

Sir, I yield to no one, not even to my noble-hearted friend from New York, [Mr. TOWNSEND,] in sympathy for the sick and wounded soldier; but I do not forget and I cannot forget that there were other innocent victims of the rebellion besides these veteran soldiers. The great cloud of war stood over our northern homes, and to-day its shadow rests heavily on many a stricken heart, on many a broken household. Gather up the innocent blood and treasure poured out upon the ground by this unholy rebellion; bring back the health and cheer and comfort that have fled from happy hearth-stones; re-unite the broken family circles guilty of no crime but devotion to their country in its hour of deadly peril, and it will then be time to talk about mending all the misfortunes of the war by appropriations from the public Treasury. But so long as the sick and maimed Union soldier drags his diseased and mutilated body on toward the darkness of the grave, and when compelled to apply for special relief from Congress can only receive pension from the date of act granting such relief, I for one am unwilling to pay arrearages of pension to men fighting against their country, and deny it to those who perilled all in its defense. Sir, we have been admonished to remember the good feeling of the centennial year. Well, we think we have some pride and some interest in that as well as our friends on the other side, for we fought hard and sacrificed much to reach it. Could they have had their way there would never have been any centennial for this nation to celebrate.

But, sir, we doubt not that they come to the Centennial as we do, with joyful hearts, and we meet them without one vengeful feeling left. All we ask is that all over this land the era of the return of good feeling shall be real; that every citizen, even the humblest, shall be protected in all his rights; that sectional feeling shall die out utterly; and that the American citizen, so long as he obeys the laws and comports himself like a good citizen, shall be welcome everywhere. Then will we celebrate our centennial year with joy indeed, with a united, happy, and prosperous country. But this feeling can never be genuine, can never come to stay, until we carry out that in action which we are so ready to express in words. The saddest sight I have seen on Capitol Hill this winter was that of a one-armed Union soldier who just at night-fall was leaving this building. He introduced himself and told me his name. He said he had just been dismissed from the employ of this House. With his right hand taking hold of the stump of his left arm, he said: "The remainder of that arm I left at Gettysburgh. I am going home now. I have no complaint to make; I have served my country as well as I could, both in peace and war. My successor fought to destroy the country; I fought to defend it. If my country can stand that, I can." Ah, Mr. Chairman, that is what this country cannot stand and what it will not stand. No country can stand that. Patriotism cannot live by it; liberty will die under it. No; let the day of extermination and re-extermination pass. Put back these invalid soldiers of 1812 on the pension-rolls. Let their pay commence from the passage of the act, and let the door close there finally and forever. Let no man who fought for the late rebellion other than these ever hope to receive a pension. Let all come together in good faith, and for a common endeavor; let the soldiers of the two armies fraternize, and let all the people be again united. But, Mr. Chairman, we shall never see this, and we never ought to see it while maimed Union soldiers are sent hobbling down Capitol Hill and ex-confederates, sound in health and limb, are installed in their places. Gallantry does not demand it; justice scorns it; and humanity will reject and correct it.

Mr. HOSKINS. Mr. Chairman, no gentleman upon the floor of this House is more anxious than myself to do justice to the soldiers of the war of 1812. Those men who fought bravely to preserve and perpetuate this Government are entitled to our sympathy and regard. And in that view when the first section of this bill was under discussion I moved to reduce the term of service to the lowest possible period, five days, that we might reach every single soldier who served in the war of 1812 to save this country.

But, sir, I find in the section of the bill now under consideration not only a provision to pension the men who were loyal to the Government during the struggle in which we have been engaged, but there is a proposition to restore to the pension-rolls a class of men who, if not in the active service of the rebellion, were—and I speak of it in no offensive terms—absolutely in sympathy with it, and as much under the control of the feelings that governed the men in those States as the men who were themselves in the service. Further than this, it is a proposition to pay every soldier of the war of 1812, whose name was stricken from the pension-rolls for disloyalty, full arrears of pension from the time his name was dropped to the present time. It is not only proposed to place their names on the pension-rolls, but to pension them during the war, when perhaps they were in open hostility to the Government. It seems to me it is quite enough to ask us to restore the names of these old soldiers of the war of 1812 to the pension-rolls from the present time forward, without insisting that arrears be paid them.

In my judgment the passage of this proposition will establish a precedent in this country against which the people all over the country will revolt almost as one man. It is quite too early in the history of this Government since the close of the war to come forward with a proposition here that shall not only place on the pension-rolls the class of men who live in the Southern States, unfortunately, I admit, and who under our laws were excluded from the pension-rolls, but also pay them full arrears the same as though they had not been stricken from the rolls for disloyalty.

Every man in the Southern States who can show his loyalty to the Government has been restored to the pension-rolls from which he was cut off by the provisions of the statute to which I have referred. And I say to gentlemen on the other side of the House and to gentlemen on this side of the House that while we wish to live in peace and harmony and union with every man in those Southern States, and do not desire to perpetuate any of the old feelings of animosity, yet we have a duty as representatives of the people to see that no one is placed upon the pension-rolls who was unfaithful to the Government in its hour of trial, or at least that no arrears are paid, even should he be a faithful soldier of the war of 1812. And I say again that it is a dangerous precedent for gentlemen on the other side to urge the restoration to the pension-rolls of these men, even if they were old soldiers of the war of 1812, who were in the service of the confederate government or in sympathy therewith, and much more to demand for them arrears of pensions. I appeal to gentlemen on the other side to eliminate from this bill all of these dangerous principles upon which we cannot agree; so that we shall agree to strike out the sixty days' service, and pension every soldier of the war of 1812 who establishes his loyalty to the Government. And if you desire the action of the House on the other proposition, bring you

bill in as a separate measure entirely; but do not ingraft upon this bill a provision placing on the pension-rolls a class of men who have been deprived of their privilege by law, which brings up for consideration another subject. I appeal to the gentlemen to let us strike out that provision of the bill, and we will pass it unanimously.

Mr. HENDERSON. Mr. Chairman, I do not desire to discuss the merits of this bill, but as a member of the committee which reported it to the House I desire to make a statement. I was not present, sir, when this bill was discussed by the Committee on Revolutionary Pensions, being engaged upon another committee at the time, but I was told by the committee as to the provisions of the bill, and at the time I stated, as will be remembered I think by those who were present, that for one I would absolutely oppose to pay any man a pension for the time he was actually engaged in rebellion against the Government. There was some discussion, and it was supposed that this bill included wounded and maimed soldiers, men who had been disabled on account of services to their country from 1812 to 1815, and could not possibly include many men who had absolutely engaged in the rebellion or were capable of rendering it any service. In that view I gave my assent to the proposition; in this view I gave my assent to this bill, with the understanding that it would not include those actually engaged in the rebellion; nor did I intend, as has been claimed by some gentleman here, that these persons should have any advantage over our own soldiers who served during the late war. If there is any such provision in the bill, I would, as a member of the Committee on Revolutionary Pensions be opposed to it. I did not intend and I do not intend now that the bill should give such advantage; but, if it does, I say I am opposed to it, and opposed furthermore to paying any soldier a pension for time that he was actually engaged in warring against the Government of his country.

Sir, I repeat what the gentleman from New York [Mr. TOWNSEND] has already said, that if it was the intention of the committee to give to men who periled their lives in the defense of their country in 1812 and 1815, and who gave to the country an arm or a leg, or lost their health, or were otherwise disabled, and who would be unable to give to the rebellion any valuable services—it was our intention to give to those who had been maimed and wounded in the service, and I say that I do not for one regret, so far as that is concerned, the action of the committee.

Mr. HILL. Mr. Chairman, I have very little to say on this subject. There is much I would like to say, but I cannot say it in five minutes, and I do not like to ask an extension of time.

There are three things which I will say within the five minutes. The first is to express my regret that gentlemen on the republican side of the House seem determined to go back on their record which their own party so generously made at the last session. It has been stated and, I believe, proved that this very provision in the bill now proposed to be stricken out was contained in a bill which passed this House in the Forty-third Congress by a large majority, if not by an entirely unanimous vote. This is the second time that gentlemen on that side of the House have manifested at this session of Congress a disposition to go back upon their entire action at the previous sessions of Congress, and I profess my profound regret at that exhibition of purpose or feeling. If the recurrence of a presidential election is to re-act in this kind of style, certainly every patriot ought to regret that presidential elections return at all.

The second remark which I wish to make is simply this: The question is simply whether these invalid soldiers of the war of 1812, or of previous wars, shall be restored to the pension-rolls and with the arrearages due them.

Now, Mr. Chairman, I wish simply to state to the House that it fell to my lot to canvass the State of Georgia against secession. I had had no connection with politics previous to the war, except in opposing secession in every form. I did not believe in the doctrine of secession, and it was a hard contest. Gentlemen who come from the other side of the line cannot imagine the struggle which those of us had to endure in that region of country in those days. I do not allude to this to claim any credit for myself—none whatever; I did only what was my duty; but the fact I wish to state to the House is this, and it is a duty I owe to these old men to state it: In traveling over the State of Georgia, under great disadvantages, laboring to the best of my ability to resist what I then considered, and still consider, the madness of secession, I never met one of these old invalid soldiers in whom I did not find a friend and an opponent to secession. I have known one of them to hobble for ten miles to hear my humble words in defense of the Union for which they fought, and I never met in all my struggles against secession one of them who was opposed to it.

The third thing I wish to say is a curious incident in our history. Gentlemen seem desirous of excluding these men from the pension-rolls because of secession. Where did secession originate? Was it born in the South? Nay, sir; do not gentlemen know that at the very time the soldiers of the South who have been stricken from your pension-rolls were making breastworks of their own cotton bales at New Orleans to drive back the foreign invader of our country, the Northeast was in session at Hartford, and by her distinguished delegates proclaimed the very doctrine of secession upon which the South subsequently acted. Here it is: "That acts of Congress in violation of the Constitution are absolutely void is an undeniable proposition;" and they declare that the States have a right to judge of the measure

of redress in case of such an event or emergency. [See note at foot of page.]

Mr. KASSON. Did any State ever indorse that doctrine?

Mr. HILL. I do not know; and I do not know that anybody who was engaged in that convention was ever stricken from the pension-rolls because he preached secession in New England.

Mr. KASSON. Ah, the men who were there had never been on the pension-rolls.

Mr. HILL. I am simply stating a fact of history, that at the very moment these men, now invalid soldiers, were exposing their lives at New Orleans for the common country you men in New England were engaged at Hartford in proclaiming the doctrine of secession.

A MEMBER. Does the gentleman justify that doctrine?

Mr. BLAINE. Will the gentleman allow me to ask him a single question?

Mr. HILL. I have not time now.

Mr. BLAINE. I wish to ask but a single question.

[Here the hammer fell.]

The CHAIRMAN, (Mr. HARRIS, of Virginia.) The five minutes of the gentleman from Georgia [Mr. HILL] has expired.

Mr. REAGAN. I do not know that I can make myself heard in the buzz that is going on around me.

The CHAIRMAN. The gentleman will suspend until order is restored in the Hall. [After a pause.] The gentleman will now proceed.

Mr. REAGAN. I cannot properly discuss a bill like this in five minutes. I wish only to call the attention of the Committee of the Whole to a single point of view in which it may be considered. It has been suggested in argument here by two or three gentlemen that men who either participated in the rebellion, as it is termed, or sympathized with it ought not to receive pensions for the services which they rendered the country in the war of 1812. It would seem that the question is looked upon by those who take that view with reference only to what they suppose was an offense against the Government.

It does not seem to be remembered that the people all over this country are contributing their share of the taxes which support the Government; are contributing their share of the taxes which pay some twenty-nine or thirty million dollars to the soldiers of the last war, the war between the States; that they are contributing their full share to all the expenses of this Government, and are liable to render their services with other citizens in the performance of any duty which may be required of them by the authority of the Government. Now, while they are contributing to pay the pensions of the soldiers at whose hands they suffered defeat, (and they do so without a murmur,) they now ask only that the soldiers of the war of 1812—I believe the bill covers also the invalid and wounded soldiers of the war with Mexico—that the southern soldiers of these two wars with foreign governments may be placed upon the pension-rolls of the country, just as the same soldiers in the States of the North and West are placed.

Is that wrong? If they are required to pay these expenses, if they have rendered services to their country in the hour of her trial, and have now grown old; if these States are restored to the Union, and if these old soldiers are restored to the rights of citizenship, if the object of this Congress is to renew fraternity and good-will throughout the land, if the object of Congress is to be just as well as generous, if we wish to stimulate patriotic attachment to the Government and devotion to it, are we to say to these old men, now from eighty to ninety years of age, tottering into their grave, who remember the services they rendered to their country in the hour of her trial, when confronting the armies of the first power of the earth—shall we say to them, "You shall not receive pensions; true, you were too old to participate in the recent war between the States, but you are tainted by living in the South, or by having had sons or grandsons in that war with whom you sympathized?" Will you forget that the States are restored to their original relations to the Union; that these men are restored to their rights of citizenship? Will you forget the great necessity that towers above all others, of restoring good-will and kindness and generous sympathy with and support of the Government, and a determination to support it in its revenues and defend it in all its wars? Is there statesmanship, is there justice, is there generosity in asking those States and those people to contribute to these expenses, when you refuse a paltry sum of a few thousand dollars a year to pension men, now between eighty and ninety years of age, for services which they rendered before I was born, and before nearly every member on this floor was born? At this time, in view of the

NOTE.—The following is the full extract:

That acts of Congress in violation of the Constitution are absolutely void is an undeniable proposition. It does not, however, consist with respect and forbearance due from a confederate State toward the General Government to fly to open resistance upon every infraction of the Constitution. The mode and the energy of the opposition should always conform to the nature of the violation, the intention of its authors, the extent of the injury inflicted, the determination manifested to persist in it, and the danger of delay. But in cases of deliberate, dangerous, and palpable infractions of the Constitution affecting the sovereignty of a State and liberties of the people, it is not only the right but the duty of such a State to interpose its authority for their protection in the manner best calculated to secure that end. When emergencies occur which are either beyond the reach of the judicial tribunals or too pressing to admit of the delay incident to their forms, States which have no common umpire must be their own judges and execute their own decisions.

sentiment which pervades the American Union, North and South, East and West, in favor of a restoration of good-will and brotherly love, and a generous support of this Government, its institutions, its honor, and its flag, I cannot think that upon deliberate judgment such a view will prevail in this Hall.

[Here the hammer fell.]

Mr. ATKINS. Mr. Chairman, it was foreign to my purpose to enter into this discussion until a moment since. I have nothing to add to what has already been said, and so well said, by so many gentlemen on this floor who have advocated this measure. But, sir, I have risen for the purpose of saying that I cannot for my life see what partisan politics has to do with this question. I sat here to-day and listened with regret to gentlemen of the republican party, one or two at least, who must needs lug into this debate reminiscences and memories connected with the late war. And, sir, I must say that it was with mortification that I heard a distinguished gentleman on this side of the House make political allusions which in my judgment are not calculated to promote harmony in this House or throughout the country.

What has secession to do with this question? Secession is dead. It no longer lives in the mind of any man in the Southern States. There is not a man to be found who advocates the doctrine. Then why should it be brought up here and discussed in this House at all? Why should it be paraded upon this floor? Why should my distinguished friend from Georgia [Mr. HILL] flaunt it in the faces of northern members of this House by reference to any sectional historic events which have long since transpired? There is no necessity for any such thing. And I, for one, claiming to be as good a southern man as the gentleman from Georgia, or any other southern man, protest here and now against the introduction of such questions into this Hall, especially upon a subject like this, which appeals to the sympathies and better nature of every gentleman.

I shall not pretend to argue the question whether these pensions are a debt or not. I care not whether they are a debt. I suppose that other gentlemen, like myself, do not care whether they are regarded as a debt or not. Sir, they are something higher than a commercial debt. This appeal is made to the better natures and sympathies of representatives of the people. More than that, the appeal is made to those high patriotic principles which cause every government to regard and care for its defenders. Upon that ground I would vote for these pensions, if I represented the State of Maine or any other State north of Mason and Dixon's line.

[Here the hammer fell.]

Mr. HUNTON. I move that the committee rise. I do this for the purpose of moving in the House to terminate debate upon this section.

Mr. HOAR. I hope the gentleman will not cut off debate after an attack has been made on our section of the country, to which there has been no opportunity to reply.

Mr. HOLMAN. As an amendment to the motion of the gentleman from Virginia [Mr. HUNTON] I move that the pending bill be reported to the House with a recommendation that it be recommitted to the Committee on Revolutionary Pensions and the War of 1812.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana, [Mr. HOLMAN.]

Mr. HOAR. I rise to debate the motion. I suppose it is debatable. The CHAIRMAN. The Chair was about to submit the question; but he will hear the gentleman.

Mr. HOAR. I wish to say one word in regard to the historical question which has been raised by the gentleman from Georgia, [Mr. HILL.] The Hartford convention, an assemblage of men as pure, as able, and as patriotic as ever lived upon the face of the earth, adopted the resolution—which I dare say the gentleman has quoted correctly—in substance from the resolutions of the Virginia Legislature of the year 1798. When they declared that a State Legislature was to judge of the validity of an act of Congress, they never contemplated any right to resist that act by force. They held, as every man within the sound of my voice I will venture to say holds, that an unconstitutional act of Congress is of no validity, and that the citizen before obeying it has a right to try, by constitutional methods and remedies, whether it is valid.

Mr. HILL. Let us see whether that was their position. Their language is:

When emergencies occur, which are either beyond the reach of the judicial tribunals or too pressing to admit of the delay incident to their forms, States which have no common umpire must be their own judges and execute their own decisions.

Mr. HOAR. Undoubtedly. That is the Virginia resolution.

Mr. HILL. No, sir; that is not quoted from the Virginia resolutions.

Mr. HOAR. It is the Virginia resolution in substance.

Mr. TUCKER. That is not the language of the Virginia resolution.

Mr. HILL. I admit that the Virginia resolution says practically the same thing.

Mr. STEVENSON. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. STEVENSON. I make the point of order that this discussion is not in order.

The CHAIRMAN. The Chair has decided already that it is in order, and the gentleman from Massachusetts has the floor.

Mr. HOAR. Every member of that convention, with one or two exceptions, declared they never contemplated or believed a State had

the right to carry that question of judging of an act of Congress to the extent of forcibly resisting it.

Mr. HILL. That is just what they did.

Mr. HOAR. I deny it. I know something of the history of my section of country. On the contrary, the recommendation made by that convention, as a remedy which they suggested, was in the way of legislation by the Congress of the United States, which legislation was afterward adopted by Congress itself.

Now, Mr. Chairman, I am a little tired for one of hearing these continual lectures from the other side of the House.

The CHAIRMAN. The gentleman's time has expired.

Mr. HOLMAN rose.

Mr. TUCKER. I move by unanimous consent that the gentleman from Massachusetts be allowed to proceed.

The CHAIRMAN. The Chair has given the floor to the gentleman from Indiana.

Mr. CONGER. I make the point of order that the five-minute rule cannot apply to the motion to recommit.

The CHAIRMAN. It was adopted by unanimous consent pending the discussion of this bill, and while this is being discussed without going out of committee, the Chair will hold that the five-minute rule, unless unanimous consent be granted, is still operating.

Mr. HOSKINS. I wish to say a word on the point of order.

Mr. HOAR. Does any gentleman object to my proceeding?

The CHAIRMAN. Is there any objection to the gentleman from Massachusetts proceeding?

Mr. HOLMAN. I do not insist upon taking the floor, and do not hear any objection to the gentleman from Massachusetts going on.

The CHAIRMAN. The Chair hears no objection.

Mr. HOAR. I desire to say, Mr. Chairman, that I am a little tired of these lectures coming from the gentleman from Georgia, whom the other side of the House seem to treat as their organ on the subject of good feeling and desire for reconciliation which they think ought to prevail in this Congress. Why, Mr. Chairman, it happened that a proposition was made the other day to extend the amnesty and grace of the people of the United States to a class of persons who had forfeited their right to hold office under the Government by treason. Under any other country on the face of the earth that class of persons would have been gibbeted and hung in chains. None of them having received any punishment, it was suggested to except a single case, the case of a person who did not desire himself to be included within the proposition of pardon, who scoffed and sneered and spurned at the clemency of his country; who it was believed had been guilty, not merely of the crime of treason, but of a military crime detestable and detested everywhere of interfering with the generosity of his own people and inflicting cruelty and horror upon defenseless prisoners such as the annals of the civilized world do not know elsewhere.

Now, it strikes me that if gentlemen on the other side of the House have come back to exercise the functions of this Government, as American citizens they would say "Let us see whether that be true. If it be true that this man does not want our pardon, if it be true that he has done these acts which are charged upon him, then the honor of this country, North and South alike, is concerned in excluding him from the exalted privilege of American citizenship." Instead of that inquiry being made in that spirit, in jealous care for the honor of our countrymen North and South alike, a gentleman who does not remember whether or not he introduced in the confederate congress a proposition to hang up as spies and without trial every northern soldier who could be taken upon their soil, comes in here—

Mr. HILL. Will the gentleman allow me?

Mr. HOAR. Certainly.

Mr. HILL. In the first place no such resolution was ever offered by anybody or heard of as that he now quotes. The resolution, as I explained on the occasion referred to, simply alluded to pretended soldiers.

Mr. HOAR. And to negroes.

Mr. HILL. Just stop. It simply applied to those who attempted to incite insurrection. I wish to say now—

Mr. HUNTON. I rise to a question of order. I wish to inquire whether this debate is germane to the question before the committee?

Mr. HILL. Let me first answer the gentleman's question. It is this, that I did not recollect the resolution because of any disposition to evade any responsibility about it. The gentleman will understand I cannot have an accommodating memory. When I do not remember a thing I say it, and I said this then most emphatically, that very likely I did introduce the resolution. It was likely I did. I did not remember whether I did or not; I was inclined to think another gentleman was the author of it; but whether that was so I did not know. I understood its object was within the laws of war, as it simply intended to prevent the inciting of insurrection.

Mr. HOAR. I hold the resolution in my hand and it is this—

Mr. HILL. Pretended soldiers.

The CHAIRMAN. The gentleman's time has expired.

Mr. FOSTER. How can it have expired when he is going on by unanimous consent?

Mr. HAMILTON, of New Jersey. I make the point of order that this debate is all out of order.

The CHAIRMAN. The Chair will state that when under the five-minute rule the time of the gentleman was extended by unanimous

consent, the Chair considered that as implying that the extension was for five minutes. The five minutes have expired.

Mr. CASWELL was recognized, and yielded his time to Mr. HOAR.

Mr. HOAR. This is the resolution:

That every person pretending to be a soldier or officer of the United States—

Mr. HILL. Does that apply to every prisoner?

Mr. HOAR. It applies to every "soldier or officer of the United States."

Mr. HILL. The language is:

Every person pretending to be.

Mr. HOAR.

Who shall be captured on the soil of the Confederate States after the 1st of January, 1863, shall be presumed to have entered the territory of the Confederate States with intent to excite insurrection and to abet murder, and that, unless satisfactory proof be adduced to the contrary before the military court before which his trial shall be had, he shall suffer death.

The next is:

That all commissioned officers in the command of said Benjamin F. Butler be declared not entitled to be considered as soldiers engaged in honorable warfare, but as robbers and criminals deserving death.

Now the gentleman from Georgia, whether he remembers those resolutions or whether he does not, is not the man who should stand up here and tell the members of this House in this centennial year that we had broken every oath we ever took upon our lips, applying that charge to an entire section.

Mr. HILL. Will the gentleman allow me a moment? That thing has been repeated frequently. I will say with all deference to the gentleman, and not meaning to be offensive, that there is not a word of truth in it. The language which I used, and which has been repeated over and over, I did not apply to the whole republican party, but to that wing of the party which taught there was a higher law in this country for the regulation of political conduct than the Constitution of the country.

Mr. HOAR. The gentleman stood there shaking his head and his fist—

Mr. HILL. O, no.

Mr. HOAR. And said *you* have broken every oath. I appeal to the memory of this House if it was not so. And I ask what was it that induced the gentleman to strike out of the RECORD those sentences?

Mr. HILL. They were not stricken out; that sentence was not stricken out or altered. I know exactly what words I changed.

Mr. HOAR. Now, Mr. Chairman, when this question of the honor and the magnanimity of this Government, in which the North and South were alike concerned, was before the House, another gentleman on the other side of the House, not representing a southern constituency, called out in his place, in language which it is hardly decorous to repeat, that an honored and distinguished member of this House was a "hyena." And although that utterance excited the disgust of the civilized world, this country and Europe, as it went over the telegraph wires wherever telegraphic communication extends, the gentlemen on the other side of the House seized the first opportunity to put the author of that utterance (also suppressed in the RECORD) into the Speaker's chair as their representative of the order, the dignity, and the decency of the American Congress.

Now, Mr. Chairman, for one I am tired of hearing these lectures. When those efforts were made to abolish slavery the men who were endeavoring to wipe out that blot from the character of the American people were assailed as we are assailed to-day by the representatives of the opinions which have sent the gentleman from Georgia to this floor; and now they stand here and say and confess that during that struggle we were all right and they were all wrong. They thank God that the North, that the abolitionist, that the fanatic, that the republican of the North had his way; that the shackles were stricken from four millions of slaves, and that they did not have their way. I think that in the light of that history they may learn a little modesty. Are you not glad that when you and your predecessors were clamoring at us in this way we persevered and put down American slavery? Are you not glad—

Mr. ATKINS. I rise to a privileged question. I desire to know by what right the gentleman from Massachusetts is occupying the floor.

A MEMBER. O, give him rope enough.

Mr. RANDALL. Let him go on; he is the exponent of the Hartford convention.

Mr. HOAR. I desire to finish this one sentence. Are you not glad that the rebellion was put down against your efforts? Is not the gentleman from New York [Mr. COX] glad that the thirteenth amendment to the Constitution, which abolished slavery, passed, in spite of his struggles by filibustering and by vote to prevent the Congress coming to a vote upon that question, and in spite of his own recorded nay?

Now, Mr. Chairman, when gentlemen come here to confess the glory, to share in the fruits, to exult in the results of the republican legislation in this country, I should think that at least a little modesty should induce them to discontinue the old lectures and to forget the old jargon.

Mr. COX. I was sitting very contentedly in my seat until the poisoned arrows of the gentleman from Massachusetts [Mr. HOAR] were hurled against me personally. I am sure the honorable gentleman

from Maine [Mr. BLAINE] has not delegated the gentleman from Massachusetts [Mr. HOAR] to speak for him in regard to any personal grievances arising from remarks for which perhaps I am properly sorry. I do not think the gentleman from Maine will call upon the gentlemen from Massachusetts to take up his cause or his quarrel. If he does, all the worse for Maine. [Laughter.]

When I used the language which the gentleman from Massachusetts said was infamous, I did it under a provocation which perhaps no one knows except the gentleman from Maine and myself. I did it without much deliberation, but no one questioned it, unless perhaps I myself at the time questioned the propriety of it as a parliamentary pungency. My idea at that time was this; and, since it has run over the country in lyric song and all sort of vituperation, I may as well state it:

At the beginning of the war, knowing that I had no power as a humble member to stop it in the least, I did my best to assuage its severities. I introduced here the first joint resolution as to prisoners. One of the regiments which I helped to raise in Ohio had been captured and was at Libby prison. The cartel was not carried out. We all knew the reason of that. It was not being carried out at that time, but I obtained from Mr. Lincoln special exchanges; but during the whole of the war I gave my time and trouble and all I could give as a member of Congress for the relief of prisoners.

When the gentleman from Maine [Mr. BLAINE] the other day (my friend of so many years' standing) would not allow me the small privilege of correcting my record as to prisoners, of which his reading and interpretation were wrong, and when I had yielded to him so many times during the preceding debate, I had no other epithet to hurl at him except that which was unparliamentary; that epithet which the gentleman from Massachusetts has again revived, digging again out of the grave that which has already been covered.

But, Mr. Chairman, I will not go into that. I have no special controversy with the gentleman from Maine or the gentleman from Massachusetts. The gentleman from Massachusetts comes forward here as a defender of the Hartford convention and the "old blue-light Federalists" who hung out their signals to the British.

O, no, they did not take any active part to carry out their session. Read the history of the Connecticut shore and you will know how it was that the Federals lost power for so many years and why the democratic party under Mr. Madison kept power so long. They did not do anything to carry out their heresy, but they were in constant sympathy with the enemy; I do not mean all New England; but was there not a Governor Strong of Massachusetts? I believe there was, and he issued an order that the troops of Massachusetts should not go out of the State, did not he? I think he did. [Laughter.] And yet this gentleman from Massachusetts, in order to hurl reproaches on the democratic side, forgot all that bad history of his State, and then, to clinch it all without provocation, begins a personal assault upon me. Now let us come back and see the meaning of this debate. There is a class of men in this House who are philanthropists and humanitarians, who believe that—

Whether on the scaffold high
Or in the battle's van,
The fittest place where man can die
Is where he dies for man!

[Laughter.]

They do not believe in practical affairs, and when we come to practical business measures they cannot keep their hands off these old, unpleasant records; they dig down into the grave constantly. No; I withdraw that remark. They go after old reminiscences that were well forgotten this centennial year.

Now, two years ago I had the pleasure to hear General Butler make a speech for the old soldiers. He told the House how he had given back his sword in New Orleans to one of Jackson's old officers. General Butler favored the bill to restore these soldiers of 1812 to their pensions, and as General Butler was considered by some people a bad man, and if he is a bad man, what are you? [Laughter.] I did not think General Butler was a bad man on that subject; he gave us a lesson and your side of the House a lesson; but now, when we are ready to do it, the cry will go out everywhere that we are for retrenchment and promised to cut down the expenses, and yet will add \$10,000,000 to the pensions of the soldiers, and add \$500,000 to pay the arrearages. You will hear the cry go all over the country that the democratic party, that pays secession soldiers, refused, perhaps, back pay for the Union soldiers, which will come in pretty soon to the tune of \$50,000,000.

Mr. Chairman, I think the best thing to do with this bill, which has friends on both sides who are in favor of retrenchment and economy and of fair dealing with the soldiers, would be to have the bill re-committed for this purpose. I understand that the Senate caucus has already said that they will not put upon the pension-rolls soldiers of the war of 1812 for their pensions during the war, so that if we were to pass such a provision in this House bill the old soldiers will get no benefit from it because of the action of the Senate. If, then, we are to give these old soldiers anything, let us pass such a bill as that the Senate may receive it and pass it. And I hope that the committee, if the bill is re-committed, will report it back allowing pensions to commence at the end of the war, in 1865, and that the arrears of pensions that accrued during the civil strife will not be incorporated in it.

Mr. BLAND. The committee simply reported on this subject as the last Congress did, and we hoped that it would pass this House.

Mr. KASSON. But it has been amended.

Mr. BLAND. It was reported from the committee in the same form as the bill of last year.

Mr. COX. I hope that portion of the House that favors retrenchment especially, when the people are not in a condition to pay large sums which are gratuities, will consent to strike out that portion of the bill. It is something like running up an old store bill while you are sick, which you do not like to pay when you are convalescent, an old store bill that we do not care to mortgage on enough to pay when we have to give the children of our families bread and clothing and education. We are in distress and our industries are in trouble this year. Perhaps we can afford to begin operations at the end of the year. And hereafter, when we are in full health, when our energies are fully restored, we can, if it be not too late, revert to the soldiers of 1812 and do full justice by them. I now yield to the gentleman from Indiana [Mr. HOLMAN] to move that the committee now rise and make to the House the recommendation he has indicated.

Mr. HOLMAN. I move that the committee now rise and report this bill back to the House with a recommendation that it be recommitted to the Committee on Revolutionary Pensions and the War of 1812.

The motion was agreed to; and accordingly the committee rose, and Mr. RANDALL having taken the chair as Speaker *pro tempore*, Mr. BLACKBURN reported that the Committee of the Whole, pursuant to the order of the House, had had under consideration the bill (H. R. No. 1605) amending the laws granting pensions to soldiers and sailors of the war of 1812 and their widows, and had instructed him to report the same back to the House, with the pending amendments, and recommend that it be recommitted to the Committee on Revolutionary Pensions.

Mr. HUNTON. I ask that the committee have leave to report this bill at any time.

The SPEAKER *pro tempore*. That requires unanimous consent.

Mr. HARALSON. I ask that the committee be instructed to consider and report the following provision to be added to the bill:

Provided, That the surviving colored soldiers, or their wives and minor children, of the war of 1812 shall be entitled to the benefits provided by this act.

Those gentlemen who have all made good speeches here, urging the restoration of good will on all sides, I am certain will not object to this amendment.

The SPEAKER *pro tempore*. The question is, Will the House recommit this bill to the Committee on Revolutionary Pensions and the War of 1812? And the gentleman from Virginia [Mr. HUNTON] asks that the committee be granted leave to report it back at any time. Is there objection?

There was no objection; and the bill was accordingly recommitted, with leave to the committee to report it back at any time.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, with amendments, in which the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877.

The message further announced that the Senate had passed, and requested concurrence, in bills and a joint resolution of the following titles:

A bill (S. No. 84) extending the time for the redemption of lands held by the United States under the several acts levying direct taxes, and for other purposes;

A bill (S. No. 446) for the relief of Daniel Stickney, of Presque Isle, Maine; and

A joint resolution (S. R. No. 5) authorizing First Lieutenant Henry Metcalfe, of the Ordnance Department United States Army, to accept a decoration from the Sultan of Turkey.

UNPUBLISHED HISTORICAL DOCUMENTS.

Mr. HOAR, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on the Library be directed to inquire and report what unpublished documents, correspondence, or other manuscripts relative to the history of the country before March 4, 1789, are now in the possession of the Department of State, and the historical value of the same, and the expediency and cost of publishing the same in full, or of publishing a catalogue and abstract thereof; also to inquire and report as to the expediency and cost of publishing the Monroe papers now in the possession of said Department.

Mr. HOAR moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ISSUE OF SILVER COIN.

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

Resolved, That, in the opinion of this House, the Secretary of the Treasury should commence at once to issue the silver coin which has accumulated in the Treasury in substitution of the fractional currency, as provided in the first section of the act approved January 14, 1875, providing for the resumption of specie payments,

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1328) to amend the act entitled "An act to enable the people of Colorado to form a constitution and State government, and for the admission of said State into the Union on an equal footing with the original States," approved March 3, 1875; and

An act (H. R. No. 1590) to remedy an error in enrollment and find the same truly enrolled.

ORDER OF BUSINESS.

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

The SPEAKER *pro tempore*. Before submitting that motion, the Chair will submit to the House certain requests of members now lying upon his desk.

LEAVE OF ABSENCE.

Mr. HOGE was granted leave of absence for ten days.

Mr. NEAL was granted leave of absence for one week.

Mr. CABELL was granted leave of absence for five days.

WITHDRAWAL OF PAPERS.

Mr. KING asked, and obtained, leave to have withdrawn from the files of the House papers in the case of J. W. Huston upon which no action had been taken.

Mr. FRYE asked, and obtained, leave for Mr. Ingalls B. Andrews to withdraw from the files of the House his petition and papers, there having been no adverse report thereon.

ORDER OF BUSINESS.

Mr. HOLMAN. There are several gentlemen who desire to introduce bills for reference to their appropriate committees to which I suppose there will be no objection. For that purpose I will withdraw my motion that the House do now adjourn.

R. P. WILSON.

Mr. HOOKER, by unanimous consent, introduced a bill (H. R. No. 2428) for the relief of R. P. Wilson; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

REBECCA A. FOLKES.

Mr. HOOKER also, by unanimous consent, introduced a bill (H. R. No. 2429) for the relief of Rebecca A. Folk; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING AT AUBURN, NEW YORK.

Mr. MACDOUGALL, by unanimous consent, introduced a bill (H. R. No. 2430) authorizing the construction of a court-house and post-office at Auburn, New York; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

J. A. THOMPSON.

Mr. PAGE, by unanimous consent, introduced a bill (H. R. No. 2431) for the relief of J. A. Thompson, of California; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

LIGHT-HOUSE IN BOSTON HARBOR.

Mr. FROST, by unanimous consent, introduced a bill (H. R. No. 2432) to appropriate money for the erection of a light-house and fog-signal on "The Graves," at the entrance of Boston Harbor; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REPEAL OF RESUMPTION ACT.

Mr. OLIVER. I hold in my hand the petition of 300 citizens of Council Bluffs, Iowa, praying the repeal of the act for the resumption of specie payments. I ask that the petition, which is brief, be read and referred to the Committee of Ways and Means.

The petition was read, as follows:

We, the undersigned, citizens of Council Bluffs, Iowa, and the vicinity, petition your honorable body and request that so much of the act of Congress approved January 14, 1875, as provides for the payment of United States legal-tender notes in coin upon the 1st day of January, 1879, and so much of the said act as authorizes the Secretary of the Treasury to sell and dispose of the bonds of the United States for the purpose of enabling him to redeem such legal-tender notes, be immediately repealed. We are not in favor of inflation, but believe that the enforcement of the resumption clause of said act not only has proved but will prove disastrous to the material, commercial, and financial business of the country.

The petition was referred to the Committee of Ways and Means.

Mr. HOLMAN. I now renew the motion that the House adjourn.

The motion was agreed to; and accordingly (at four o'clock and fifty 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 the SPEAKER: Papers relating to the petition of Freeland Haston, for a pension, to the Committee on Invalid Pensions.

By Mr. BAKER, of Indiana: A paper relating to a post-route from Waterloo to Hudson, and thence to Salem Centre, Indiana, to the Committee on the Post-Office and Post-Roads.

By Mr. COWAN: The petition of 52 citizens of Ohio, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. COX: A paper relating to the petition of John T. Neale, for a pension, to the Committee on Invalid Pensions.

By Mr. GOODE: The petition of E. B. Boutwell, late of the United States Navy, for relief, to the Committee on Naval Affairs.

By Mr. HILL: A paper relating to a post-route from Cumming to Jasper, Georgia, to the Committee on the Post-Office and Post-Roads. Also, a paper relating to a post-route from Cumming to Freemansville, to the same committee.

By Mr. HOLMAN: The petition of Joseph D. Pecket, for relief, to the Committee on Foreign Affairs.

By Mr. HOOKER: The petition of Abraham Bazinski, for a re-examination of his claim, disallowed by the southern claims commission, to the Committee on War Claims.

By Mr. HOPKINS: Memorial of citizens of Alleghany County, Pennsylvania, for the allowance to vinegar-manufacturers of a drawback of ninety cents per gallon of the tax on high wines, to the Committee of Ways and Means.

By Mr. HUNTON: The petition of Samuel R. Atwell, for the payment of \$245, remitted according to law from Winchester to Baltimore in discharge of his duties as postmaster at Winchester, and burned in the cars while in transitu, to the Committee on the Post-Office and Post-Roads.

Also, the petition of George Smith, for an invalid pension on account of injuries received in the war of 1812, to the Committee on Invalid Pensions.

By Mr. KELLEY: The petition of Theodore H. McCalla, late major Ninety-fifth Regiment Pennsylvania Volunteers, for a full pension, to the Committee on Invalid Pensions.

Also, the petition of citizens of Falls of Schuylkill, for the extension of the national credit for the completion of the great southern line of railroad to the Pacific, to the Committee on the Pacific Railroad.

By Mr. KIMBALL: The petition of O. E. Hodges, for property seized during the war, to the Committee on War Claims.

By Mr. LAWRENCE: The petition of George C. Johnston, of Piqua, Ohio, for money due him from the Shawnee Indians, to the Committee on Appropriations.

By Mr. KING: Memorial of the councils of the Patrons of Husbandry of Hennepin and Anoka Counties, Minnesota, for the construction of a Government freight railroad from the Mississippi River to the seaboard, to the Committee on Railways and Canals.

Also, the petition of the Board of Trade of Minneapolis, Minnesota, for an appropriation for the improvement of the navigation of the Red River of the North, to the Committee on Commerce.

By Mr. LEVY: The petition of Dr. J. B. Sullivan, for pay for property destroyed by United States troops, to the Committee on War Claims.

By Mr. MAISH: The petition of C. W. Middleton and others, of Ohio, that the internal-revenue laws be so amended as to secure payment of the whole tax on distilled spirits before leaving the distillery, to the Committee of Ways and Means.

By Mr. MCCRARY: The petition of importers and dealers in foreign goods in the District of Columbia, for an amendment of the Revised Statutes relating to the unpacking, examination, and appraisal of imported goods, to the Committee on Commerce.

By Mr. POPPLETON: The petition of George King, Robert J. Baggs, E. N. Dunlevy, and 325 other citizens of Bridgeport, Ohio, for the appointment of a commission of inquiry on the subject of the traffic in alcoholic liquors, for the prohibition by law of the importation of liquors, and for other prohibitory legislation on the subject of the use and manufacture of liquors, to the Committee of Ways and Means.

By Mr. JOHN REILLY: The petition of Annie F. Baer, for a pension, to the Committee on Invalid Pensions.

Also, the petition of 28 soldiers of Pennsylvania, that all soldiers and sailors of the late war who served thirty days or over be granted one hundred and sixty acres of land and \$200, to the Committee on Public Lands.

By Mr. SAYLER: The petition of Otis N. Cutler, for relief, to the Committee on Military Affairs.

Also, the petition of John Freytag, Jacob Pfau, jr., and others, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

Also, the petition of Dr. Jacob B. Ong, for the re-issue of \$800 in greenbacks, lost by the sinking of the steamer Nannie Byers on the Ohio River, to the Committee of Claims.

Also, the petition of William Buckley, for a pension, to the Committee on Invalid Pensions.

Also, the petition of A. G. Collins, to be re-imbursed for expenses incurred as deputy provost-marshal Sixth Ohio district, to the Committee on War Claims.

By Mr. SEELYE: Remonstrance of missionaries to the Dakotas, against the transfer of the care of the Indians from the Interior to the War Department, to the Committee on Indian Affairs.

Also, the petition of J. Nelson Trask, for indemnity for losses sustained in the service of the United States, to the Committee of Claims.

By Mr. TERRY: A paper relating to a post-route from Bristol, Tennessee, to Mendota, Virginia, to the Committee on the Post-Office and Post-Roads.

By Mr. THOMPSON: The petition of Benjamin H. Corliss and others, of Gloucester, Massachusetts, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

Also, the petition of William H. Steele and others, for pay for him for his schooner, Samantha A. Steele, destroyed at St. Helena Island by the United States forces in 1863, to the Committee on Naval Affairs.

By Mr. THROCKMORTON: The petition of citizens of Parker, Hood, Palo Pinto, and Erath Counties, Texas, for a post-route from Weatherford to Stephenville, to the Committee on the Post-Office and Post-Roads.

By Mr. VANCE, of North Carolina: Papers relating to the claim of R. L. McConnaughey for carrying the United States mails in North Carolina in 1865, to the Committee of Claims.

By Mr. WALDRON: The petition of James Phillips, for a pension, to the Committee on Invalid Pensions.

By Mr. WALLING: The petition of W. C. Jones, G. G. Beck, and 50 others, of Lancaster, Ohio, to grant aid to the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

Also, the petition of the Farmers' Bank, of Wooster, Ohio, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. A. S. WILLIAMS: The petition of citizens of Michigan, that national banks may be limited in the rate of interest they may take, to the Committee on Banking and Currency.

Also, the petition of several hundred citizens of Detroit, Michigan, for the appointment of a commission to inquire into the results of the traffic in alcoholic liquors, &c., to the Committee of Ways and Means.

Also, the petition of 500 citizens of Detroit, Michigan, that the manufacture, importation, and sale of all intoxicating liquors to be used as a beverage within the United States, Territories, and District of Columbia, be prohibited, to the same committee.

Also, the petition of 250 citizens of Detroit, Michigan, and of the Marine Engineers' Association No. 1 of Detroit, Michigan, proposing sundry amendments to the existing steamboat laws and asking their adoption, to the Committee on Commerce.

By Mr. WILSON, of Iowa: The petition of citizens of Benton County, Iowa, for the repeal of the resumption act, to the Committee on Banking and Currency.

IN SENATE.

WEDNESDAY, March 1, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.
The Journal of yesterday's proceedings was read and approved.

PERSONAL EXPLANATION.

Mr. BOGY. I desire to make a personal explanation, with the permission of the Senate.

On looking over the remarks which were made by me the day before yesterday, while the bill for the annual appropriation for West Point was pending, I think it is possible I may have done the graduates of that institution an injustice. At all events, it is so thought by some of those gentlemen. Such was not my intention. But as my words may not have been what I intended them to be, I will now take this occasion to explain that I know of my own knowledge that the academy at West Point has for a great many years furnished many eminent men who have served the country for many years in different branches of the Government with ability, and I will say with great fidelity. Many of those men have passed away, and it was not my intention to cast any reflection upon them.

Again, during the late war many of the graduates of West Point attained very great distinction, and performed valuable and meritorious services; many of them gave their lives on the field of battle; many of them are now living, some in the service of their country yet, and others not. And, as the war is over, I will say more, that the graduates of West Point distinguished themselves on both sides. It was, therefore, not my intention to convey the idea to the country, as it is thought by some is conveyed by the few remarks that I made, that that institution had not turned out any eminent men. I only made a comparison—I will not dwell on that now—between that, as I consider, very expensive institution and others.

In conclusion, I will only say, and it affords me great pleasure to say, that there are many eminent men now living who are members of the Army to-day who are graduates of West Point—men whose names will live in history; and it was not my intention to cast any reflection upon them whatsoever.

PETITIONS AND MEMORIALS.

Mr. BOGY presented a memorial of the Missouri State Board of Horticulture, in relation to the invasion of grasshoppers, which during the last season reduced to starvation many thousands of the inhabitants of the Western States and Territories, and especially of Minnesota, Nebraska, and Kansas, and in favor of adding to the Department of Agriculture a scientific division, under the control of men whose learning and fitness for the position are acknowledged both at home and abroad, to be named by the National Academy of Science; and the appointment of a commission of five persons, to wit, three