

have these guards and checks. It seems to me pretty hard to refuse to pay this man a claim when he can make proof clearly and satisfactorily, not only to Congress, but to the Commissioner of Internal Revenue.

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

WILLIAM S. ROBINSON.

MR. INGALLS. When I was temporarily in the chair a short time since, on the motion of the Senator from Iowa [Mr. WRIGHT] the bill (S. No. 436) for the relief of William S. Robinson, of Malden, Massachusetts, was indefinitely postponed. It has recurred to my recollection since I took my seat that the Senator from Massachusetts [Mr. BOUTWELL] spoke to me in regard to bills that were upon the Calendar with an adverse report and asked me if they did not go over without further suggestion. There is no doubt, from what he said, that he left the Chamber supposing the bill would not be called up; and in order to protect myself against the suspicion of having been inattentive or negligent in this matter I ask unanimous consent that the vote by which the bill was indefinitely postponed may be reconsidered and that the bill go upon the Calendar.

MR. WRIGHT. I desire to make one remark in that connection. Of course it is impossible that I can remember what connection each Senator may have with a bill. I remember now, my attention being directed to it, that upon the motion of the Senator from Massachusetts, who is absent from the city, [Mr. DAWES,] this case was restored to the Calendar. I think therefore it is but fair to him (a fact that did not occur to me at the time I asked that the adverse report be concurred in) that this order be set aside by unanimous consent and the case remain on the Calendar.

THE PRESIDENT *pro tempore*. Is there objection to the reconsideration of the vote by which this bill was indefinitely postponed? The Chair hears none.

MR. INGALLS. I ask that the bill go on the Calendar as it was before that action was had.

THE PRESIDENT *pro tempore*. It takes its place on the Calendar as it was before.

MR. MCREEERY. I move that the Senate adjourn.

The motion was agreed to; and (at four o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 2, 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.

CHESAPEAKE AND OHIO CANAL.

THE SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting, in compliance with the provisions of the river and harbor act of March 3, 1875, a report of Major W. E. Merrill on continuation and completion of the Chesapeake and Ohio Canal; which was referred to the Committee on Commerce, and ordered to be printed.

CLAIMS IN QUARTERMASTER AND COMMISSARY DEPARTMENTS.

THE SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting to the House, in response to a resolution of the 14th February, a report of the Acting Quartermaster-General on the amount of claims allowed and rejected by the Quartermaster Department and Commissary Department under the act of July 4, 1864; which was referred to the Committee on Military Affairs, and ordered to be printed.

C. C. HUTCHINSON.

THE SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting, in response to a House resolution of the 21st ultimo, a report of the Commissioner of Indian Affairs in relation to the defalcation of C. C. Hutchinson, late United States agent for the Ottawa Indians; which was referred to the Committee on Indian Affairs, and ordered to be printed.

ALLOTMENTS OF LANDS TO INDIANS.

THE SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a report from the Commissioner of Indian Affairs relative to allotments of lands to certain bands of Indians, and a draught of a bill providing for such legislation as may be necessary to that end; which was referred to the Committee on Indian Affairs.

CONTESTED ELECTION—SEAL VS. LYNCH.

THE SPEAKER. The Chair has received this morning testimony in the contested-election case of Roderick Seal against John R. Lynch, from the State of Mississippi, which, if there be no objection, will be referred to the Committee on Elections, without printing.

There was no objection, and it was so ordered.

AMENDMENT TO REVISED STATUTES.

MR. SOUTHARD, from the Committee on the Revision of the Laws, reported, as a substitute for House bills Nos. 1676 and 1678, a bill (H. R. No. 2449) to supply an omission and to amend section 1480 of the Revised Statutes; which was read a first and second time, recommitted to the committee, and ordered to be printed, not to be brought back by a motion to reconsider.

TREATY BETWEEN THE UNITED STATES AND THE HAWAIIAN ISLANDS.

MR. MORRISON, by unanimous consent, presented and asked leave to have printed the views of the minority of the Ways and Means Committee to accompany the bill (H. R. No. 212) to carry into effect the proposed treaty between the United States and the Hawaiian Islands.

There was no objection, and the order to print was made.

PRINTING AND ENGRAVING BUREAU OF THE TREASURY.

MR. RANDALL, by unanimous consent, from the Committee on Appropriations, reported a bill (H. R. No. 2450) to provide for a deficiency in the service of the Printing and Engraving Bureau of the Treasury Department and for the issue of the silver coinage of the United States in place of the fractional currency; which was read a first and second time.

MR. RANDALL. I desire to have the bill read.

The bill was read.

The first section appropriates the sum of \$163,000 to provide for engraving and printing and other expenses in making and issuing United States notes.

The second section directs the Secretary of the Treasury to issue silver coin of the United States of the denomination of ten, twenty, twenty-five, and fifty cents, standard value, in redemption of the full amount of fractional currency, whether the same be now in the Treasury awaiting redemption or whenever it may be presented for redemption.

It provides further that the Secretary of the Treasury may, under the regulations of the Treasury Department, provide for such redemption and issue by the substitution, at the regular subtreasuries and public depositories of the United States, until the whole amount of fractional currency outstanding shall be redeemed.

MR. RANDALL. I desire to state, under instructions from the committee, that I will call this bill up at the first opportunity. I desire further to state, under instructions from the committee, that the question of extending the amount of legal-tenders for silver was not, in their judgment, within the province of our committee, but they did discuss the subject; and they also instructed me to say that they will permit an amendment to be offered, either from the Committee of Ways and Means or from the Committee on Banking and Currency when this bill shall come up for consideration, to increase the amount of legal-tenders and silver coin. I ask unanimous consent that when the bill comes up for consideration it shall be considered in the House.

MR. PAGE. I would like to ask the gentleman to admit an amendment to allow the issue of coin of twenty cents.

MR. RANDALL. That is already in the bill. If the gentleman had listened to its reading he would have found it was there. At the suggestion of the Speaker, I move that the bill be recommitted to the Committee on Appropriations, and when that motion is agreed to I will enter a motion to reconsider. I would further ask unanimous consent that when the bill is reported back it shall be considered in the House as in Committee of the Whole.

The bill was recommitted to the Committee on Appropriations and ordered to be printed.

MR. RANDALL entered a motion to reconsider the vote by which the bill was recommitted.

And then, no objection being made, it was ordered that when the bill was reported back from the Committee on Appropriations it should be considered in the House as in Committee of the Whole.

PENSION CLAIMS IN MISSISSIPPI.

MR. WELLS, of Mississippi, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved by the House of Representatives, That the Commissioner of Pensions be required to furnish information as to the number of applications of colored claimants filed in his office from the State of Mississippi, the number allowed, the number rejected, and the number unsettled and the cause of delay in adjudicating all those unsettled; if awaiting investigation, the steps taken to secure such investigation, the number of agents employed for that purpose, and the number of claims investigated by such agents.

THOMAS CRAWFORD.

MR. NEW, by unanimous consent, introduced a bill (H. R. No. 2451) restoring the name of Thomas Crawford, a soldier of the Mexican war, to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Several members called for the order of business.

THE SPEAKER. The regular order being called for, the morning hour begins at half past twelve o'clock, and the regular order this morning is the calling of committees for reports of a public nature, and the call rests with the Committee on Public Lands.

ENTRIES OF PUBLIC LANDS.

Mr. SAYLER, from the Committee on Public Lands, reported back, with a favorable recommendation, the bill (H. R. No. 2039) to amend sections 2450 and 2451, and to repeal section 2452, title 32, chapter 11, of the Revised Statutes.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter the Secretary of the Interior shall perform all the duties which were delegated to the Secretary of the Treasury by sections 2450 and 2451, title 32, chapter 11, of the Revised Statutes of the United States.

SEC. 2. That all suspended entries of the public lands in which the Commissioner of the General Land Office has decided that patents shall issue, and which have been confirmed by the Secretary of the Interior and the Attorney-General, are hereby declared valid to the same extent as though confirmed by the Secretary of the Treasury and the Attorney-General, as prescribed in the aforesaid sections 2450 and 2451.

SEC. 3. That section 2452, title 32, chapter 11, of the Revised Statutes, be, and the same is hereby, repealed.

Mr. SAYLER. In order that this bill may be fully understood and that it may occupy as little time as possible in its passage, I will briefly explain its provisions. The sections sought to be amended are 2450 and 2451 of the Revised Statutes, which constitute the Secretary of the Treasury, the Attorney-General, and the Commissioner of the Land Office a board to establish regulations for and to supervise the adjudication by the Commissioner of all cases of suspended entries of public lands and of suspended pre-emption land-claims. It is the purpose of the bill to substitute the words "the Secretary of the Interior" for the words "the Secretary of the Treasury." The mistake in the revision seems to have grown out of the fact that the original act establishing this board, passed in 1846 and prior to the establishment of the Interior Department, named the Secretary of the Treasury as a member of the board.

In 1849 the Department of the Interior was established. By the third section of the act establishing this Department it is provided that the Secretary of the Interior shall perform all duties, in relation to the General Land Office, of supervision and appeal, then discharged by the Secretary of the Treasury. In 1853, without any recognition whatever of the establishment of the Interior Department in 1849, the act of 1846, which had been limited in its operation to two years, was revived in all its provisions and extended for a period of ten years; and in 1856 it was made perpetual. It seems that the commissioners of revision, without reference to the act establishing the Interior Department, simply followed the acts of 1846, 1853, and 1856, and throughout their revision used the words "Secretary of the Treasury" as a member of this board instead of the words "Secretary of the Interior." As a matter of fact the Secretary of the Treasury has never had anything whatever to do with these adjudications; he has never, and very properly, served upon this board. The Secretary of the Interior, up to the present time, has discharged all of the duties.

The enactment of the revision of the laws would seem to throw some doubt upon these adjudications, and it is therefore thought best by the Committee on Public Lands that the second section of this bill shall be adopted, in order to confirm these adjudications and to render them valid beyond all question.

The third section of the bill provides for the repeal of section 2452, which directs that the Commissioner of the General Land Office shall report to Congress, at the first session after any such adjudications have been made, a list of the same under the conditions prescribed by law. I hold in my hand a list which was reported to Congress after the adoption of the revision of the statutes. No such lists have been reported before for a long number of years. Reports were made under the act of 1846, but under the acts reviving that act it seems to have been omitted. I do not believe that there is anything in the act of 1853 or in the act of 1856 which even by implication repeals the provision of the act of 1846 requiring such report and publication. Yet the fact is that it has fallen into disuse; it conveys information of no great importance, and is a matter of considerable labor and considerable expense. It is the opinion of the Department, and it is the unanimous opinion of the Committee, that report might as well be dispensed with.

Mr. Speaker, unless some gentleman has a question to ask or an objection to interpose, I will call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SAYLER 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.

TIMBER CULTURE.

Mr. SAYLER, from the same committee, reported back, with a recommendation that the same do pass, a bill (H. R. No. 2427) to amend the act entitled "An act to amend an act to encourage the growth of timber on western prairies," approved March 13, 1874.

The question was upon ordering the bill to be engrossed and read a third time.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the act entitled "An act to amend

the act entitled "An act to encourage the growth of timber on the western prairies" is hereby amended by adding hereto the following further proviso: "Provided further, That whenever a party holding a claim under the provisions of this act, or whenever making final proof under the same, shall prove, by two good and credible witnesses, that the trees planted and growing on said claim were destroyed by grasshoppers during any one or more years while holding said claim, said year or years in which said trees were so destroyed shall not work any forfeiture of any of the rights or privileges conferred by this act; and the time allowed by this act in which to plant the trees and make final proof shall be extended the same number of years as the trees planted on the said claim were destroyed in the manner specified in this section."

SEC. 2. That the planting of seeds, nuts, or cuttings shall be considered a compliance with the provisions of the timber-culture act: *Provided*, That such seeds, nuts, or cuttings of the kind and for the purpose contemplated in the original act shall be properly and well planted, the ground properly prepared and cultivated; and in case such seeds, nuts, or cuttings should not germinate and grow, or should be destroyed by the depredations of grasshoppers, or from other inevitable accident, that the ground shall be replanted on the vacancies filled within one year from the first planting: *Provided further*, That parties claiming the benefit of the provisions of this act shall prove, by two good and credible witnesses, that the ground was properly prepared and planted in such seeds, nuts, or cuttings, and were so destroyed by inevitable accident in such year.

SEC. 3. That it shall not be necessary to plant the trees, seeds, nuts, or cuttings in one body, provided the several bodies planted by measurement aggregate the amount required and in the time required by the original and amended act.

Mr. SAYLER. This bill is reported as a substitute for House bill No. 625 and House bill No. 643. It is substantially a reproduction of the provisions in those bills, with certain guards which in the opinion of the committee are important. The first section of this bill simply gives protection to those unfortunate people who have been subjected to the plague of the grasshopper. It provides that in the year in which such plague comes upon them, destroying the trees they have attempted to cultivate, shall not be counted against them as under the timber-culture act.

The second section of the bill provides that the planting of seeds, nuts, or cuttings under proper restriction, as set forth in the section, shall be regarded as a compliance with the timber-culture act. The former Commissioner of Public Lands, in a decision which he gave upon this question, decided substantially that the use of seeds in a proper manner was a substantial compliance with the timber-culture act. But as some doubts have existed and some uncertainty has attended the question, and as it is of great importance to those directly interested, the committee have thought best to propose direct legislation, sanctioning the use of seeds, nuts, and cuttings, and guarding their use by such conditions, limitations, and restrictions as will prevent abuse.

The purpose of the third section is this: The original timber-culture act provides that of the one hundred and sixty acres, or whatever proportion of one hundred and sixty acres the settler may choose to take up, one-fourth shall be planted in trees in a body. For instance, if a man moving west takes up one hundred and sixty acres of land, under the timber-culture act he is required, as that act now stands, to plant forty acres in trees in a body. This, in some instances, gives rise to difficulty and is a matter of inconvenience. The committee cannot understand why the settler may not be permitted to plant two pieces of twenty acres or four pieces of ten acres. In other words, so long as he plants the number of acres required under the timber-culture act, it would seem to be a matter of very little importance whether he cultivates his timber in a single body or in several different bodies. These are, briefly, the provisions of the bill.

I yield to the gentleman from Minnesota, [Mr. DUNNELL.]

Mr. DUNNELL. The original bill to which this is amendatory was introduced into this House by myself during the Forty-second Congress; and the first section of this substitute was in a bill which I had the honor to introduce during the present session.

I can see no possible objection to this bill as it has been amended, liberal as it is, (and I am glad that it is so,) because under the tree-culture act there have already sprung up in many of the western towns forestry associations and tree-planting has become popular throughout the length and breadth of those States. In my own State the people have readily availed themselves of the provisions of the law on this subject.

I think, however, that the third section, which provides that the trees, &c., planted need not be in one body, but may be in several bodies, would be improved by inserting after the word "bodies" the words "not exceeding four." With this modification I think the provision would be free from all liability to abuse.

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

Mr. DUNNELL. I move, then, to amend in the manner I have indicated.

The amendment was agreed to.

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

Mr. SAYLER 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.

FORFEITED RAILROAD LANDS IN KANSAS.

Mr. GOODIN, from the Committee on Public Lands, reported back, with a recommendation that it pass, the bill (H. R. No. 1771) to declare forfeited to the United States certain lands granted to the State of Kansas in aid of the construction of railroads by act of Congress approved March 3, 1863.

The bill was read. It provides that all lands which were granted by act of Congress approved March 6, 1863, to the State of Kansas to aid in the construction of a railroad commencing at Leavenworth, Kansas, and running, by way of the town of Lawrence and the Ohio City crossing of the Osage River, to the southern line of the State, in the direction of Galveston Bay, in Texas, with a branch from Lawrence, by the valley of the Wakarusa River, to a point on the Atchison, Topeka and Santa Fé Railroad, where the road intersects the Neosho River, and which have not been patented to said railroad company by the United States under the grant, which has expired by limitation of law, are thereby declared forfeited to the United States, and shall hereafter be subject to entry only under the provisions of the homestead laws of the United States.

Mr. GOODIN. Mr. Speaker, in the year 1863 there was granted by act of Congress to the State of Kansas, in aid of the construction of certain railroads named in the act, a large amount of public lands. Among the railroads to be benefited by the act was a road to be constructed from the city of Leavenworth, by the way of the city of Lawrence to the Ohio City crossing of the Osage River, (now the city of Ottawa,) to the south line of the State, in the direction of Galveston Bay. In aid of that road every alternate section of land was granted within ten miles on either side of the proposed road, and in order to make the amount equal to every alternate section within the ten-mile limit, there was also an indemnity grant extending ten miles farther on each side, equal to the amount of land which might have been previously selected and entered under the various laws of Congress.

The railroad company was to have ten years in which to complete the construction of its road. That time expired, of course, on the 3d day of March, 1873. The road has been constructed from the city of Lawrence to the southern boundary of the State; but it has never been completed from the city of Leavenworth to the city of Lawrence. Hence, as I take it, under the provisions of the act of Congress the company on the 3d day of March, 1873, had forfeited to the United States all the lands remaining unsold at the period last named.

The Commissioner of the General Land Office, in a case which was before the Interior Department on appeal from the local land office at Independence, Kansas, said, referring to the act of March 3, 1863:

The act making the grant provides that if any portion of the road is not completed within ten years from the passage of the act, no further sale of lands shall be made, and the lands unsold shall revert to the United States. The ten years expired March 3, 1873. The act provides that the road shall be constructed from the city of Leavenworth, by the way of the town of Lawrence, to the southern line of the State, in the direction of Galveston Bay, in Texas.

There is on file in this Office a map of constructed road from Lawrence to the southern boundary of the State of Kansas. This map is certified by the governor of Kansas, according to law, under date of September 21, 1871. There is no evidence on file in this Office that the road has been constructed from Leavenworth to Lawrence, as required by the act of Congress; and the time having expired, it must be considered that by the failure of the company to comply with the terms of the law a forfeiture results of its claim to the lands within the indemnity limits of the grant, and said lands have reverted to the United States.

After this decision was rendered by the Commissioner of the General Land Office I communicated with the Interior Department, with the view of getting a proclamation from the Secretary of the Interior declaring the reversion of the lands to the United States and the opening of them to settlement and entry; and for the purpose of giving the House a full understanding of the matter, I will read my letter to the late Secretary of the Interior, a copy of which is before me:

HUMBOLDT, KANSAS, September 14, 1875.

SIR: I desire to call your attention to a subject of grave interest to many of my constituents, as well as the people of the State at large, and to ask for such action by your Department as may be deemed by you proper in the premises.

By act of Congress approved March 3, 1863, a large portion of the public domain was granted to the State of Kansas in aid of the construction of certain railroads, among which was a road running via Lawrence and the Ohio City crossing of the Osage River to the south line of the State of Kansas, in the direction of Galveston, Texas, now familiarly known as the Leavenworth, Lawrence, and Galveston Railroad. By reference to said act it will be seen that every alternate section within ten miles of each of said roads not otherwise disposed of by the United States was granted them, while an indemnity equivalent to the lands so disposed of was allowed within twenty miles of the road-lines named in the act.

Ten years from the passage of the act was given for the construction of said roads, in default of which the unsold lands were to revert to the United States. So far as the Leavenworth, Lawrence, and Galveston Railroad is concerned, unquestionably there has been a failure to comply with the provision of the law requiring construction in ten years from date of the passage of the act, and a large quantity of the lands granted remained unsold on the 3d day of March, 1873, said lands lying principally in ranges 21 and 22 east, comprising near thirty thousand acres. I learn from the local land office that said lands have not yet been restored to market, notwithstanding the failure to construct said last-mentioned road within the period fixed by said act. This being the case, I would most respectfully but earnestly ask, on behalf of a large number of my constituents, who, knowing the fact of forfeiture, have settled and made improvements upon a portion of said lands thus reverting to the United States, that they be restored to market to be disposed of to actual settlers.

When considered in the light of the opinion of the Attorney-General in the case of the State of Wisconsin in aid of railroad from Saint Croix to Lake Superior, your power in the premises, to my mind, seems clear enough. If, however, the Interior Department should doubt its authority to act without prior judicial adjudication so as to conclude the railway company, I should be pleased to have an opportunity to appear personally before you and present my own views upon what I conceive to be its power and duty in the premises.

An early response to this communication indicating the probable action of your Department upon the subject will greatly oblige, most respectfully.

JOHN R. GOODIN.

Hon. COLUMBUS DELANO,

Secretary of the Interior, Washington, D. C.

Mr. Speaker, the Attorney-General had previous to the writing of this letter decided in the Wisconsin case referred to that it was competent for the Secretary of the Interior to determine the question of failure of a railway company to comply with the requirements of a land grant made for its benefit, and that neither judicial nor congressional action was at all necessary to re-invest the Government with the absolute control and disposal of the granted lands. Upon the faith of that opinion I desired to have the Interior Department proclaim the forfeiture asked for in this bill, and to restore to market the lands to which the railroad company had no shadow of right and which had been withheld from market by executive order for more than ten years. But the Interior Department shields itself behind certain decisions of the Supreme Court of the United States, reported 5, 9, and 21 Wallace, respectively, in each of which cases the principle claimed to be decided is that where a grant of land is made for any particular purpose and there has been a failure to comply with the provisions of the law making the grant, the United States Government must repossess itself of authority and control of the land before it can be opened up for settlement and entry, and that this can only be done by the action of the legislative branch of the Government.

Now, sir, this land was guaranteed to the State of Kansas for a certain purpose, that is, to aid in the construction of a railroad. The railroad company has failed to comply with the provisions of the law making the grant. The Supreme Court of the United States, under the decision which I have mentioned, would probably hold that the grant was in the State of Kansas unless the Congress of the United States should pass such a bill as that now reported by me from the Committee on Public Lands.

There is no question as to the forfeiture by the railroad company of all right to these lands. This bill embraces about twenty-nine or thirty thousand acres. Most of them are now occupied by actual settlers who are living thereon with their families, and who, knowing of the failure on the part of the railroad company, have felt secure in their possessions.

The provisions of this bill, after declaring the forfeiture, provides that these lands shall be opened up to settlement under the provisions of the homestead law only. I understand, from the temper of the House as manifested on two or three previous occasions when propositions were before it, that there is a disposition here to enact, so far as practicable, that the public domain susceptible of agriculture shall in the future be subject to entry under the humane provisions of the homestead law. Inasmuch as these lands have been taken, nearly all of them by actual settlers, it only seemed right to provide, as I have done by this bill, that they shall remain open for homestead entry by those already upon them. I go then another step in the right direction, as I believe, and secure to those who may hereafter settle the same right.

I will call the attention of members of the House to the fact that a short time since the gentleman from Nebraska [Mr. CROUNSE] introduced a bill which came from my committee and was passed, providing for the sale of a certain military reservation in the State of Nebraska, and further that the lands embraced within the limits of that reservation should be open to entry and settlement under the provisions of the homestead law only. And that simply is what this law provides.

I do not know that this railroad company makes any objection to the passage of the bill. I think there is no claim on the part of anybody that there has been a compliance with the requirements of the grant in the construction of the road.

Mr. HOLMAN. Will the gentleman yield to me?

Mr. GOODIN. I will for a question.

Mr. HOLMAN. I wish to ask the gentleman from Kansas this question, whether he does not think the public interests require, in view of the vast number of grants made within the last fifteen years upon certain conditions which have not been complied with, that there should be some general law providing for the return to the public domain of the lands so granted? Should there not be a general provision enacted for the forfeiture of all grants the conditions of which have not been complied with, so as to return those lands to the public domain and subject them to the homestead law? Does he not think such a general law desirable?

Mr. GOODIN. I will answer the gentleman from Indiana very frankly that I do.

Mr. HOLMAN. Then I trust the Committee on Public Lands, of which he is a member, will bring to the House a bill which will accomplish that purpose, and especially in view of the decision of the Supreme Court of the United States and the opinions expressed under that decision by the Department of the Interior.

Mr. GOODIN. Now, Mr. Speaker, as I took occasion to observe in the discussion of another bill in this House, I think there is a disposition on the part of the Committee on the Public Lands to carry out the view just expressed by the gentleman from Indiana. We have several bills pending before that committee in reference to the public lands, and so far as we can are endeavoring to incorporate the provisions into one general bill. The gentleman, however, will understand that grants to railroad companies are not all uniform in their character. There is, of course, a general similitude, but at the same time one contains provisions which are not to be found in others. While I agree, therefore, with the gentleman from Indiana that some

such general law as he suggests may be adopted very properly, I hope he does not mean to throw out the suggestion at this time with any desire to impede the passage of the pending bill.

Mr. HOLMAN. Not at all, for I am in favor of any measure looking in that direction. I wish to see, of course, the same principle applied to the whole body of the public lands under grants actually forfeited by non-compliance with the conditions upon which the grants were made.

Mr. GOODIN. So do I, and I will cheerfully support such a measure when it is brought into shape and will also give cheerful assistance in shaping it.

Mr. TOWNSEND, of Pennsylvania. I desire to know from the gentleman from Kansas whether or not this road is still in process of construction and whether or not the State of Kansas or this railroad company has asked for an extension of time for the completion of the road?

Mr. GOODIN. In answer to the question of the gentleman from Pennsylvania I will state that I know of no effort having ever been made, either by the State of Kansas or by this railroad company, to secure any such extension of time. As remarked by me in the beginning, the time for the construction of this road has expired under the act of March 3, 1873, and I now hold in my hand a letter from the Acting Commissioner of the General Land Office under date of February 21, 1876, which I will read:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 21, 1876.

SIR: Referring to your personal request of Saturday, I have the honor to state that no evidence has been filed in this office of the construction of that portion of the Leavenworth, Lawrence and Galveston Railroad required by act of March 3, 1863, between Leavenworth and Lawrence, in the State of Kansas.

Very respectfully,

J. K. LIPPINCOTT,
Acting Commissioner.

Hon. JOHN R. GOODIN,
House of Representatives.

So it seems, Mr. Speaker, that, although three years have passed since the time when this road should have been finished, it is yet uncompleted between Leavenworth and Lawrence.

I believe, Mr. Speaker, I have detained the House about as long as I desire in endeavoring to get before it a true understanding of the purposes of this bill. I cannot, however, close without saying that in my judgment the legislation of the country in the future should be such as will advance the interests of the people who pioneer civilization and with true hearts and willing hands settle up the waste and desert places of this great nation and clothe them in beauty with the efforts of honest husbandry. Agriculture, which is the basis of real American nobility, should receive more care, and monopolies less, at the hands of our National Legislature. The policy from this time onward should be to mitigate as well as can be done the untold mischiefs and miseries which have been entailed upon the people by this pernicious land-grant system. The lands of the public domain admitting of settlement and cultivation should be henceforth reserved for those who are willing to occupy them; and the Government should not look to the sale of our agricultural lands for the purposes of revenue, but generously await their development by those who, in the over-crowded cities of our own country and of all Europe, too poor to purchase, but who in their determined willingness to work and in the strong arms given them, possess the primary elements of wealth which, when brought in contact with the broad acres of this mighty empire, untouched by the civilizing hand of the laborer, will cause them to yield up their treasures and contribute their due proportion in carrying on the affairs of the Government.

Mr. Speaker, I have said enough; and, unless some gentleman may have other inquiries concerning this bill, I demand the previous question.

Mr. TOWNSEND, of Pennsylvania. I desire to make a remark if the gentleman who has reported this bill will allow me.

Mr. GOODIN. I yield to the gentleman.

Mr. TOWNSEND, of Pennsylvania. In regard to the remark of the gentleman, as to a general law, I desire to say that every railroad grant stands on its own peculiar circumstances, and Congress has had occasion in various instances to extend the time because of peculiar circumstances and because of difficulties under which the road labored. A general law, therefore, making a forfeiture immediately upon the expiration of the time would operate occasionally, and in some instances very harshly, perhaps unjustly, and I trust the committee will not report any bill having that object in view.

Mr. GOODIN. If there be no further inquiries to be made in reference to the provisions of this bill, I move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GOODIN 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.

SWAMP AND OVERFLOWED LANDS IN ALABAMA.

Mr. GAUSE, from the Committee on Public Lands, reported back, with the recommendation that it do pass, the bill (H. R. No. 236) to

give the consent of the United States to the appropriation of certain proceeds arising from the sale of the swamp and overflowed lands in Alabama for the purpose of furnishing other and additional accommodations for the indigent, insane, and idiotic persons resident in said State.

The bill was read. It gives consent on the part of the United States to the appropriation of the proceeds arising from the sale of the swamp and overflowed lands in Alabama for the purposes and in the manner provided in the act of the General Assembly of the State of Alabama entitled "An act to appropriate the proceeds from the sale of the swamp lands granted by Congress to Alabama for the purpose of furnishing additional accommodations for the indigent insane and idiotic persons, residents of the State of Alabama," approved January 30, 1875.

Mr. GAUSE. In 1850, Congress granted to Arkansas, Alabama, and other States certain swamp and overflowed lands, the proceeds of the sale of which were to be applied exclusively to the reclamation of those swamp and overflowed lands. In Alabama the amount of proceeds arising from these sales is so small that the Legislature of that State considered it impracticable to apply them to any useful purpose. They therefore passed an act diverting this small fund from the reclamation of the lands to the support of an asylum for the indigent idiotic and insane of that State. I ask that the act of the Legislature be read in this connection for the information of the House.

The Clerk read as follows:

An act to appropriate the proceeds from the sale of the swamp lands granted by Congress to Alabama, for the purpose of furnishing additional accommodations for the indigent insane and idiotic persons, residents of the State of Alabama.

Whereas certain lands, described as "swamp and overflowed lands," were granted by the Government of the United States to the State of Alabama by an act of Congress entitled "An act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits," approved September 28, 1850, wherein it is provided that the proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied exclusively, as far as necessary, to the purpose of reclaiming said lands by means of the levees and drains aforesaid; and whereas said lands have been sold in part by the authorized agents of the State of Alabama, and the sum of \$27,343.31 has been paid into the treasury of the State; and whereas said sum of \$27,343.31 is wholly insufficient to provide for reclaiming said lands by means of levees and drains provided for in the act of Congress aforesaid; and whereas the said lands are now the property of individual owners, with whom there is no contract or understanding, express or implied, on the part of the State, that the proceeds from the sale shall be expended for the reclamation or drainage thereof; and whereas there are more than eight hundred insane and idiotic persons in the State of Alabama, for whose treatment, cure, and protection no provision whatever has been or can be made while the financial condition of Alabama is so greatly embarrassed as at present: Therefore,

Be it enacted by the General Assembly of Alabama, That, by and with the consent of the Government of the United States first to be obtained, the proceeds arising from the sale of swamp and overflowed lands granted to the State of Alabama by the terms of an act entitled "An act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits," approved September 28, 1850, be, and the same are hereby, appropriated to and for the purpose of furnishing other and additional accommodations for the indigent insane and idiotic persons, residents of the State of Alabama.

SEC. 2. *Be it further enacted, That the governor shall cause this act to be communicated to the Senate and House of Representatives of the Congress of the United States through the members thereof representing the State of Alabama, and shall request that appropriate legislation be had authorizing the disposition and appropriation of the proceeds arising from the sale of said swamp and overflowed lands, as provided for in this act.*

SEC. 3. *Be it further enacted, That it shall be the duty of the auditor, so soon as the governor shall officially inform him that the Congress of the United States has authorized the proceeds of said lands as by this act provided for, to draw his warrant upon the treasurer for such sum of money as may have been paid into the treasury on account of the sale of said lands, after deducting therefrom an amount equal to the claim or claims which are or may be established and allowed against said funds for work and labor done and professional services rendered in and about the location and sales of said lands; which said warrant shall be drawn payable to the order of the treasurer of the Alabama Insane Hospital at Tuscaloosa.*

SEC. 4. *Be it further enacted, That as soon as the proceeds of said swamp lands shall be turned over to the treasurer of the Alabama Insane Hospital, as provided for in section 3 of this act, it shall be the duty of the board of trustees of said hospital to cause the same to be expended in the construction of a wing or contiguous building, or, if deemed by said trustees best, a suitable detached building or buildings for the accommodation of the indigent insane and idiotic patients.*

SEC. 5. *Be it further enacted, That, to enable said trustees to carry out fully the purposes of this act, they are hereby authorized and empowered to contract with such builders, mechanics, and other persons as they may see proper and find necessary for the erection and equipment of the said additional wing or contiguous building or detached building or buildings; and they are authorized and empowered to do everything requisite and necessary in the expenditure of the fund herein appropriated for the accomplishment of the end had in view and provided for by this act. And said trustees shall report to the next session of the General Assembly all that they they have done in and about the premises by filing with the auditor their account, supported by vouchers for every expenditure of said moneys, and shall continue to report to said General Assembly from session to session and file accounts with the auditor until said work herein provided for be completed and said trustees discharged from further duty connected therewith by act of the General Assembly.*

SEC. 6. *Be it further enacted, That all laws and parts of laws in conflict with any of the provisions of this act are hereby repealed.*

Approved January 30, 1875.

STATE OF ALABAMA,
Office of Secretary of State:

I, R. K. Boyd, secretary of state of the State of Alabama, do hereby certify that the foregoing transcript of an act entitled "An act to appropriate the proceeds from the sale of the swamp lands granted by Congress to Alabama for the purpose only of furnishing additional accommodations for the indigent insane and idiotic persons, residents of the State of Alabama," approved January 30, 1875, is a true and correct copy from the original rolls now on file in this office.

Given under my hand and the great seal of State affixed, at Montgomery, on this the 6th day of December, A. D. 1875, and of the Independence of the United States of America the one hundredth year.

[SEAL.]

R. K. BOYD,
Secretary of State.

Mr. BAKER, of Indiana. I desire to ask the gentleman reporting this bill how many acres of land are there that will be diverted from the purposes for which they were originally granted?

Mr. GAUSE. I do not know exactly the number of acres; but I am informed that the proceeds of the lands already sold amount to about \$27,000.

Mr. BAKER, of Indiana. Is there any large quantity remaining unsold?

Mr. GAUSE. No, sir. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GAUSE 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.

SCHOOL LANDS.

Mr. HATHORN, from the Committee on Public Lands, reported back, with the recommendation that it do pass, the bill (H. R. No. 280) to amend the act entitled "An act to appropriate lands for the support of schools in certain townships and fractional townships not before provided for," approved May 20, 1826.

The bill was read. It provides that in all cases where section 16 has been reserved for the support of schools in such township, and said sixteenth section, or any part thereof, has not been set apart or accrued to the said township, on account of paramount title, legal appropriation to any person, or use other than the support of schools, or from any other cause whatever, it shall be the duty of the Secretary of the Interior, on the application of the proper and legal school officers of said township, or of any agent so authorized by the laws of the State of Missouri, to select the tracts of land to which each of said townships may be entitled by virtue of the act and the act to which it is amendatory, out of any unappropriated land within the State in which the township for which any tract or tracts of land is selected may be situated, and when selected, shall be held by the same tenure, and upon the same terms, for the support of schools, in such township as section 16 is, or may be held in the State where such township shall be situated.

Mr. TOWNSEND, of Pennsylvania. I desire to ask the gentleman from New York [Mr. HATHORN] whether that is not the law already?

Mr. HATHORN. It is not the law in the State of Missouri.

Mr. TOWNSEND, of Pennsylvania. Is there not a general law that embraces what is provided in this bill?

Mr. HATHORN. Not that I am aware of.

It appears that in 1826 a law was passed donating to the State of Missouri for school purposes certain tracts of land, but some of those tracts, consisting of section 16, were in some of the townships deeded and disposed of before that law was passed. Now it is asked in behalf of the school officers that they may take the same amount of land out of any unappropriated land within the State. If the gentleman from Missouri [Mr. BUCKNER] who introduced this bill desires to make any further remarks upon it, I will yield to him for that purpose.

Mr. BUCKNER. I did not very distinctly hear the reading of the bill as reported from the committee, and I would like to know, where the grant of the sixteenth section has failed by virtue of paramount title, whether the selection is to be confined to that township? Is there any amendment of the bill in that respect?

Mr. HATHORN. There is not. Where the land has been all sold in the particular township, they may select from other parts of the State.

Mr. BUCKNER. Is there any amendment to the original bill?

Mr. HATHORN. There is not. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was on the passage of the bill.

Mr. BUCKNER. I would like to hear the bill again reported.

The bill was again read.

Mr. LUTTRELL. I wish to inquire of the gentleman who reports the bill whether its operation is confined to the State of Missouri?

Mr. HATHORN. It is.

The bill was passed.

Mr. HATHORN moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

EXTENSION OF TIME TO PRE-EMPTORS.

Mr. McDILL, from the Committee on Public Lands, reported back the bill (H. R. No. 1001) to extend the time to pre-emptors on the public lands in certain counties in the State of Minnesota and the bill (H. R. No. 2115) to extend the time for making final proof and payment by pre-emptors in the Territory of Dakota one year, with a substitute (H. R. No. 2452) to extend the time to pre-emptors on the public lands; which was read a first and second time.

The substitute extends the time at which pre-emptors on the public lands and Indian reservations are now required to make final proof

and payment for the period of two years whenever the crops on said pre-empted lands have been destroyed by grasshoppers within the last two years.

Mr. McDILL. By the legislation of the last Congress relief was granted to pre-emptors who had suffered from the ravages of grasshoppers by extending the time for making proof for one year. Two bills for which we have reported a substitute were brought into the House, one by the Delegate from Dakota extending the time for two years in the Territory of Dakota, and the other by a gentleman from Minnesota extending the time for two years to pre-emptors on the public lands in Minnesota. The committee have thought that relief should be extended to all pre-emptors who have suffered from the ravages of grasshoppers. The reason why the time is extended for two years exists in the fact that the misfortune which comes to these settlers extends for the whole term of two years. They lose the year in which the grasshoppers come and destroy their crops and the whole of the succeeding year. The effect of this law is to extend the time two years, and it seems to me to be a bill eminently just and proper. If no gentleman desires to ask any question, I will move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McDILL 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.

LANDS IN IOWA.

Mr. McDILL, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1752) to restore certain lands in the State of Iowa to market, and for other purposes.

The bill was read, and is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to restore to market, by published notice, all vacant unappropriated lands heretofore withdrawn for the Mississippi and Missouri Railroad, in the State of Iowa, situated more than twenty miles from the amended line of route as located under the act approved June 2, 1864, entitled "An act to amend an act making a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State," approved May 15, 1856: Provided, That the price of said lands shall not be less than \$2.50 per acre: And provided further, That all actual settlers now residing upon said lands shall be permitted to enter not exceeding one hundred and sixty acres for each head of a family or single man over twenty-one years of age, embracing improvements, in preference to any other person, or making proof of such settlement and paying for the lands in accordance with rules to be prescribed by the Secretary of the Interior.

Sec. 2. That this act shall not include any lands embraced in the confirmatory act approved January 31, 1873, entitled "An act to quiet title to certain lands in the State of Iowa."

Mr. McDILL. The history of the legislation upon this subject is this: In the year 1856 certain lands were granted for railroad purposes to the State of Iowa, and the road was allowed to make a selection within fifteen miles of their line indefinitely located. The railroad company known as the Mississippi and Missouri River Railroad Company, following the language of the act, made its selection in accordance therewith, but later the Chicago and Rock Island Railroad, which became the successor of the Mississippi and Missouri River Railroad, changed its route so that it passed through the city of Des Moines, now the capital of the State and considerably south of the first definitely located line, thereby uncovering the northern portion of the original selection. The Land Office holds that these lands must be restored to market before they can be severally entered. The sole object of this bill is simply to restore to market the uncovered and unappropriated lands lying north of the present extreme limits of the railroad grant. As gentlemen will observe, the bill protects settlers now on the lands so as to allow them to enter one hundred and sixty acres of land for each head of a family and each single man in preference of other persons.

Mr. DUNNELL. I would ask the gentleman who has charge of this bill the reason as to the price of the lands thus restored to market being kept at \$2.50 per acre?

Mr. McDILL. The reason is that the original land-grant bill made a reservation that the lands reserved to the Government should be sold for not less than \$2.50 per acre.

Mr. PHILLIPS, of Kansas. Are all these lands occupied by settlers? Are they all taken up?

Mr. McDILL. I am not able to answer that question with certainty; my impression is that the larger portion of these lands are occupied by settlers.

Mr. PHILLIPS, of Kansas. Will the gentleman accept an amendment providing that all the lands not already taken up by settlers shall be confined to homestead settlements?

Mr. McDILL. I have no objection, as a member of the Committee on Public Lands, to that amendment being offered; I am quite willing to accept it.

The SPEAKER. The gentleman cannot accept it; his bill is a report from a committee.

Mr. PHILLIPS, of Kansas. Then I offer this amendment: that all the portions of these lands not occupied by settlers be reserved for homestead settlers.

THE SPEAKER. Does the gentleman from Iowa yield for that amendment?

MR. McDILL. I do yield.

MR. PHILLIPS, of Kansas. I move, then, to amend in line 4, by striking out the word "market" and inserting in lieu thereof the words "to settlement under the homestead laws."

The amendment was agreed to; and the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MR. McDILL 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.

MR. HOLMAN. The title would not seem to harmonize with the bill now; it is not now a bill to restore to market, but to restore to the provisions of the homestead law. I call the attention of the gentleman from Iowa to that fact.

THE SPEAKER. The title of the bill as it stands will be read.

The Clerk read as follows:

A bill to restore certain lands in the State of Iowa to market, and for other purposes.

MR. HOLMAN. I move to strike out the word "market" and to insert in lieu thereof the words "settlement under the homestead laws."

MR. McDILL. I think the amendment adopted on motion of the gentleman from Kansas [Mr. PHILLIPS] makes necessary still another amendment to the bill. His amendment has the effect of opening all this land to homestead entry; another portion of the bill provides that the price of this land shall not be less than \$2.50 an acre. There should be an amendment striking out that provision of the bill.

MR. SAYLER. I move to reconsider the vote by which the bill was passed, in order to move the amendment indicated by the gentleman from Iowa, [Mr. McDILL.]

THE SPEAKER. The motion to reconsider has already been submitted and laid upon the table.

MR. McDILL. I ask unanimous consent to strike out the portion of the bill to which I have referred.

THE SPEAKER. The bill has already been passed, and is beyond the power of amendment.

SCHOOL-INDEMNITY LANDS IN NEBRASKA.

MR. CROUNSE, from the Committee on Public Lands, reported back, with a recommendation that the same do pass, the bill (H. R. No. 1962) to confirm certain school-indemnity selections of public lands by the State of Nebraska.

The question was upon ordering the bill to be engrossed and read a third time.

ORDER OF BUSINESS.

MR. WOOD, of New York. Has the morning hour expired?

THE SPEAKER. The morning hour has expired.

MR. WOOD, of New York. I then move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of taking up and proceeding with the consideration of the special order.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole on the state of the Union, Mr. SAYLER in the chair.

THE CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the special order, which is House bill No. 612, to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the President of the United States shall receive satisfactory evidence that the legislature of the Hawaiian Islands have passed laws on their part to give full effect to the provisions of the convention between the United States and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875, he is hereby authorized to issue his proclamation declaring that he has such evidence; and thereupon, from the date of such proclamation, the following articles, being the growth and manufacture or produce of the Hawaiian Islands, to wit, arrow-root; castor-oil; bananas; nuts; vegetables, dried and undried, preserved and unpreserved; hides and skins, undressed; rice; pulu; seeds, plants, shrubs, or trees; muscovado, brown, and all other unrefined sugar, meaning hereby the grades of sugar heretofore commonly imported from the Hawaiian Islands, and now known in the markets of San Francisco and Portland as "Sandwich Island sugar;" sirups of sugar-cane, melado, and molasses; tallow, shall be introduced into the United States free of duty so long as the said convention shall remain in force.

MR. WOOD, of New York. If no gentleman calls for the reading of the report—

MR. THROCKMORTON. I ask that the report of the majority of the committee reporting this bill be now read.

MR. STEVENSON. I suggest that the minority report be read also. I think both reports should be read before the argument upon the bill is proceeded with.

The Clerk began the reading of the report of the majority, but before he had concluded,

MR. THROCKMORTON said: I ask unanimous consent that the further reading of this report be dispensed with, and that both the majority and minority reports be printed in full in the RECORD.

There was no objection, and it was so ordered.

The reports are as follow:

The Committee of Ways and Means, to whom was referred the bill (H. R. No. 612) to carry into effect a convention between the United States and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875, report:

That the convention provides for a treaty between the United States and the Hawaiian Islands. It is strictly a commercial treaty so far as the government of the Hawaiian Islands is concerned, but contains provisions favorable to the United States of a commercial and political character which are not accorded to that government.

The convention, as agreed upon by the President and the Senate on the part of this Government and His Majesty the King of the Hawaiian Islands, is as follows: CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF THE HAWAIIAN ISLANDS—COMMERCIAL RECIPROCITY.

Concluded January 30, 1875; ratification advised by Senate March 18, 1875; ratified by President May 31, 1875; ratified by King April 17, 1875; ratifications exchanged at Washington, June 3, 1875; proclaimed June 3, 1875.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A Proclamation.

Whereas a convention between the United States of America and His Majesty the King of the Hawaiian Islands, on the subject of commercial reciprocity, was concluded and signed by their respective plenipotentiaries, at the city of Washington, on the 30th day of January, 1875, which convention, as amended by the contracting parties, is word for word as follows:

The United States of America and His Majesty the King of the Hawaiian Islands, equally animated by the desire to strengthen and perpetuate the friendly relations which have heretofore uniformly existed between them, and to consolidate their commercial intercourse, have resolved to enter into a convention for commercial reciprocity. For this purpose, the President of the United States has conferred full powers on Hamilton Fish, Secretary of State, and His Majesty the King of the Hawaiian Islands has conferred like powers on Hon. Elisha H. Allen, chief justice of the supreme court, chancellor of the kingdom, member of the privy council of state, His Majesty's envoy extraordinary and minister plenipotentiary to the United States of America, and Hon. Henry A. P. Carter, member of the privy council of state, His Majesty's special commissioner to the United States of America.

And the said plenipotentiaries, after having exchanged their full powers, which were found to be in due form, have agreed to the following articles:

ARTICLE I.

For and in consideration of the rights and privileges granted by His Majesty the King of the Hawaiian Islands in the next succeeding article of this convention, and as an equivalent therefor, the United States of America hereby agree to admit all the articles named in the following schedule, the same being the growth and manufacture or produce of the Hawaiian Islands, into all the ports of the United States free of duty.

SCHEDULE.

Arrow-root; castor-oil; bananas; nuts; vegetables, dried and undried, preserved and unpreserved; hides and skins undressed; rice; pulu; seeds, plants, shrubs, or trees; muscovado, brown, and all other unrefined sugar, meaning hereby the grades of sugar heretofore commonly imported from the Hawaiian Islands and now known in the markets of San Francisco and Portland as "Sandwich Island sugar;" sirups of sugar-cane, melado, and molasses; tallow.

ARTICLE II.

For and in consideration of the rights and privileges granted by the United States of America in the preceding article of this convention, and as an equivalent therefor, His Majesty the King of the Hawaiian Islands hereby agrees to admit all the articles named in the following schedule, the same being the growth, manufacture, or produce of the United States of America, into all the ports of the Hawaiian Islands free of duty.

SCHEDULE.

Agricultural implements; animals; beef, bacon, pork, ham, and all fresh, smoked, or preserved meats; boots and shoes; grain, flour, meal, and bran, bread and breadstuffs, of all kinds; bricks, lime, and cement; butter, cheese, lard, tallow; bullion; coal; cordage, naval stores, including tar, pitch, resin, turpentine raw and rectified; copper and composition sheathing; nails and bolts; cotton and manufactures of cotton, bleached and unbleached, and whether or not colored, stained, painted, or printed; eggs, fish and oysters, and all other creatures living in the water, and the products thereof; fruits, nuts, and vegetables, green, dried or undried, preserved or unpreserved; hardware; hides, furs, skins and pelts, dressed or undressed; hoop-iron, and rivets, nails, spikes and bolts, tacks, brads or sprigs; ice; iron and steel and manufactures thereof; leather; lumber, and timber of all kinds, round, hewed, sawed, and unmanufactured, in whole or in part; doors, sashes, and blinds; machinery of all kinds, engines and parts thereof; oats and hay; paper; stationery, and books, and all manufactures of paper or of paper and wood; petroleum and all oils for lubricating or illuminating purposes; plants, shrubs, trees, and seeds; rice; sugar, refined or unrefined; salt; soap; shooks, staves, and headings; wool and manufactures of wool, other than ready-made clothing; wagons and carts for the purposes of agriculture or of drayage; wood and manufactures of wood, or of wood and metal except furniture either upholstered or carved and carriages; textile manufactures, made of a combination of wool, cotton, silk, or linen, or of any two or more of them other than when ready-made clothing; harness and all manufactures of leather; starch; and tobacco, whether in leaf or manufactured.

ARTICLE III.

The evidence that articles proposed to be admitted into the ports of the United States of America, or the ports of the Hawaiian Islands, free of duty, under the first and second articles of this convention, are the growth, manufacture, or produce of the United States of America or of the Hawaiian Islands, respectively, shall be established under such rules and regulations and conditions for the protection of the revenue as the two Governments may from time to time respectively prescribe.

ARTICLE IV.

No export duty or charges shall be imposed in the Hawaiian Islands, or in the United States, upon any of the articles proposed to be admitted into the ports of the United States or the ports of the Hawaiian Islands free of duty under the first and second articles of this convention. It is agreed, on the part of His Hawaiian Majesty, that so long as this treaty shall remain in force, he will not lease or otherwise dispose of or create any lien upon any port, harbor, or other territory in his dominions, or grant any special privilege or rights of use thereto, to any other power, State, or government, nor make any treaty by which any other nation shall obtain the same privileges, relative to the admission of any articles free of duty, hereby secured to the United States.

ARTICLE V.

The present convention shall take effect as soon as it shall have been approved and proclaimed by His Majesty the King of the Hawaiian Islands, and shall have been ratified and duly proclaimed on the part of the Government of the United States, but not until a law to carry it into operation shall have been passed by the Congress of the United States of America. Such assent having been given, and the ratifications of the convention having been exchanged as provided in article 6, the convention shall remain in force for seven years from the date at which it may

come into operation; and further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of seven years, or at any time thereafter.

ARTICLE VI.

The present convention shall be duly ratified and the ratifications exchanged at Washington City within eighteen months from the date hereof or earlier if possible.

In faith whereof the respective plenipotentiaries of the high contracting parties have signed this present convention and have affixed thereto their respective seals.

Done in duplicate, at Washington, the 30th day of January, in the year of our Lord 1875.

[SEAL.]

HAMILTON FISH.
ELISHA H. ALLEN.
HENRY A. P. CARTER.

And whereas the said convention, as amended, has been duly ratified on both parts and the respective ratifications were exchanged in this city on this day:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States of America, have caused the said convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 3d day of June, in the year of our Lord 1875 and of the Independence of the United States the ninety-ninth.

[SEAL.]

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

The treaty, in consequence of its abolition of the duty now imposed by law in the United States on the articles enumerated in the schedule, requires an act of Congress to carry it into effect. Unlike most of the treaties made with foreign nations, not only the consent of the House of Representatives is required to give it validity, but the provision to do so must begin there.

In the papers marked confidential, submitted by the President to the Senate for its consideration, with a view to the ratification of this treaty, is a letter from the Secretary of the Treasury, in reply to the Secretary of State, relating to the commerce between the United States and the Hawaiian Islands.

With this letter are tables, furnished by the Bureau of Statistics, showing the imports into the United States from the Hawaiian Islands during the fiscal years ending June 30, 1871 to 1874; also statement of domestic exports from the United States to those islands for the same periods. From these tables it appears the total imports into the United States from the Hawaiian Islands was, for 1871, \$1,153,154; for 1872, \$1,285,320; for 1873, \$1,316,270; and for 1874, \$1,017,172; while the exports to those islands were, in 1871, \$840,385; in 1872, \$620,295; in 1873, \$654,103; and in 1874, \$623,280.

In addition to these tables, we have procured and add the importations and exportations for the fiscal year ending June 30, 1875, which state the importations at \$1,227,191 and the exportations \$695,364.

Thus is presented a comparative statement of the trade of the two countries for the past five years, which shows a balance in favor of the Hawaiian Islands.

This trade is chiefly in tropical or semi-tropical products, as imported, and in miscellaneous products of the United States, as exported.

It will be seen that, so far as the aggregate value in the amount of the commerce between the two countries is concerned, it is not of great importance. It is, however, an interesting fact, those islands buy from us a much larger amount of our products, in proportion to what we take of them, than any other of the sugar or coffee producing countries.

The Secretary of the Treasury, in the letter referred to, thus speaks of this trade:

"The conditions attending this commerce appear to be such as render it of greater value to the United States, in proportion to its volume, than is usual with countries similarly situated and producing sugar as the leading staple. So far as the exchange of articles is concerned, there is an equivalent to be found in our export trade for the value of the sugar and the other articles imported. Such is not the case with most of the tropical islands or sugar-producing countries of either hemisphere.

"The import trade from the several possessions of the East Indies shows large aggregates received and very small values returned in the produce of the United States. The heavy adverse balance must be paid in coin. Thus the exports of United States produce and manufactures to China are but 5 per cent. of the imports from China, and the light exports to the British East Indies are but 1 per cent. of the imports therefrom.

"The exports to the Spanish East Indies, or Manila, are but one-third of 1 per cent. of the imports from those possessions; and, finally, the exports to the Dutch East Indies are but 4 per cent. of the imports from the same.

"The Hawaiian Islands take an aggregate value of American produce and manufactures twice as great as do the last three countries or possessions taken together."

The following statement is in further illustration, by figures, of this point:

Value of Hawaiian trade as compared with other sugar countries.

Hawaiian Islands export to the United States \$1,130,725
The islands import from the United States 835,000
Imports over 75 per cent. of exports. Under the treaty would be nearly equal.

CUBA.

Cuba exports to the United States \$77,469,826
Cuba imports from the United States 1,397,129
Imports not 2 per cent. of exports.

BRITISH EAST INDIES.

British East Indies export to the United States 16,855,747
The same import from the United States 165,270
Being not 1 per cent. of exports.

SPANISH POSSESSIONS OTHER THAN CUBA.

Other Spanish possessions sell to the United States 6,171,635
The same buy of the United States 17,570
Less than $\frac{1}{4}$ of 1 per cent.

DUTCH EAST INDIES.

Dutch East Indies sell to the United States 7,556,954
The same buy of the United States 255,134
Less than 4 per cent.

CHINA.

China sells to the United States 26,353,291
The same buys of the United States 1,931,732
Being about 7 $\frac{1}{2}$ per cent.

The importation of rice from the Hawaiian Islands for the fiscal year ending June, 1875, was 794 tons, valued at \$60,131, which is a small portion of what the Pacific States consume.

This reciprocal trade is better than free trade, for, while it increases the trade of the contracting parties and concentrates it in their hands, it is a restraint on the

trade of other countries, because they have duties and other charges to pay from which the parties to this reciprocal treaty are free.

With reference to the ostensible trade between the Hawaiian Islands and the United States, as shown by the values reported, it may be said that these values do not probably accurately state it, as, for instance, there are reasons for believing they are too largely stated for imports and as much in deficiency for exports. The official statements of the Hawaiian government of imports from the United States for 1873 are placed at \$36,522, of which sum \$786,522 in value paid duty, and the exports to the United States are stated at \$1,088,226; whereas, according to our valuations, our exports for the same period were \$1,316,270, and the imports \$697,191, showing a material difference.

The Secretary of the Treasury further states that—

"The effect on the revenue of admitting the articles named in the schedule free of duty is first to remit the amount levied on sugar, the quantity of which was in 1873 (fiscal year) 15,743,146 pounds, on which the duty, at two cents per pound, is \$314,863, and, inclusive of a small amount of other saccharine products, (molasses and melado,) it amounts to \$320,345 in all on this class of articles. This is also nearly the average for three years ending with 1873.

"The duty on other articles imported and included in the schedule of articles to be admitted free is small in amount, including none of conspicuous importance. The aggregate received is less than \$50,000 per year. The entire release of duty proposed by the treaty, therefore, would be nearly \$370,000 yearly.

"In relation to the question of duty, it is, however, only just to say that the present consumption of sugar on the Pacific coast is rapidly increasing, the increase each year being nearly equal to the total importation of a year from these islands.

"For 1873 (the fiscal year) the total quantity of sugar imported at San Francisco was 72,026,072 pounds and 2,980,939 pounds at Portland, Oregon, together 75,007,011 pounds. In the preceding year the entire quantity was 62,961,460 pounds, a difference of 12,145,545 pounds in 1873 over 1872.

"During 1874 the importation was still larger. This increasing importation and consumption therefore cause the question to stand not so much as one of diminution of present revenue, but rather as a check to their increase to the extent of the importation of sugar and other dutiable articles made free. The lack of natural facilities for developing the production of sugar in the islands embraced in the treaty would keep down the future proportions of this check."

The Secretary, in conclusion, further states:

"The proposed release of this duty would undoubtedly increase this trade, and its increase would go far toward compensating for the loss resulting from the release of sugar from duty.

"Should the sugar-product so released increase to 25,000,000 pounds yearly, the export trade would probably equal it in value.

"In addition to the particular articles of commerce affected by the treaty, there are general commercial advantages likely to follow, which can only be alluded to here. The rendezvous so long afforded at these islands for the sailing-fleets of the Pacific is still needed; and, with the increasing commerce of all the seas bordering the Pacific, the demand increases for such aids and facilities as would be afforded through the establishment of American interests in the Hawaiian Islands proposed by the treaty."

It will thus be seen that the Secretary of the Treasury does not attach importance to the loss of revenue growing out of the ratification of this treaty.

Agreeing with all of his predecessors who have been consulted on the subject, he approves of a treaty of this character with the Hawaiian Islands.

There is no doubt that, looked upon as simply a revenue measure, it would not seem as if there was immediate advantage to the United States; but, when we take into consideration not only the present but the prospective commerce of the Pacific, it cannot be disputed it is of much greater advantage to us than to the other party to the treaty.

This treaty authorizes an exchange of the products of the soil, such as sugar, rice, and some tropical fruits, for lumber, flour, and manufactures of the United States.

The Pacific States are to receive from those islands what they do not produce, and the islands are to receive from the Pacific States in exchange therefor what they do not produce.

As sugar is the principal article released, it may be well to consider it specially in this connection. Some fears have been expressed as to the effect of this release from duty on the like products of the United States.

It cannot be said that the admission of Hawaiian sugar will have the least influence upon the sugar-market in the Atlantic States, for it is impossible that this sugar can in any way come in competition with it. To show how little the Atlantic-grown sugar can be affected by the admission of the Pacific-grown sugar into the Pacific ports free, (for it is only in the Pacific ports that this sugar can ever be imported,) the following comparative statement is submitted:

Tons.

The importation of sugar into the United States during 1873 was 766,648
Imported from the islands 7,404
or about one hundredth of the whole.

1874.

Tons.

Whole importation into the United States 757,153
Imported from islands 6,787
or less than one hundredth of the whole, showing an increase of importation into the United States of 30,505 tons.

1875.

Tons.

Whole importation into the United States 847,910
Imports from islands 8,944
a trifle over one hundredth of the whole, showing an increase of imports into the United States of 50,157 tons.

Imports of sugar from all countries into the Pacific States in fiscal year ending June 30, 1875, was 66,446,470 pounds, while the importation from the islands to the Pacific States was 17,888,000 pounds, a trifle over one-quarter of the whole importation, so that it will be seen that the whole importation from the islands cannot affect the market in the Atlantic States. It is not possible that the Hawaiian sugar can ever find its way to the Atlantic States—the cost of transportation would exclude it; nor can there be fear of any very great increase in the production of this sugar, in view of the steadily diminishing population of the islands. (See Appendix A.)

As pertinent to the consideration of this question, we should not lose sight of a probable diversion of the trade of the islands to another direction; already a very large proportion of it has been attracted to the British colonies in the Pacific. In 1873 the total export of sugar from the Hawaiian Islands was 11,593 tons, of which 4,191 tons were sent to British colonies, and of the imports of the same year more than one-half was from other countries than the United States.

At the present time a great number of British, American, and Hawaiian vessels annually enter Australian and New Zealand ports with sugar cargoes. The greater part of these enter at New Castle or Sydney, thence take coal freights back to the islands. New Zealand, Tasmania, and Victoria are striving for a monopoly of the trade, and have recently made considerable progress.

The supply of sugar in the Mauritius is rapidly declining, and a substitute for it is found in that of the Hawaiian Islands, and the effort now is to procure a monopoly of it.

The English government and people are always on the alert to increase their commercial advantages. Their vast Pacific possessions, already of incalculable value, require a larger supply of sugar for consumption than can now be supplied, hence their interest in procuring a monopoly of this trade.

It is not, therefore, unreasonable to apprehend that the United States may lose a considerable portion of this trade unless better commercial relations are made with the islands.

The producing interest of the islands has been for years in a depressed state, but it is thought that the treaty will give an impulse to the business, and although it reduces their revenues from customs, and imposes upon them direct taxes, they prefer to try this rather than to seek relations with any other country.

It has been said that the United States will surely have this trade if they do nothing to encourage it.

This is an entire mistake, for production must diminish and the trade lessen by the impoverished condition of the people, or they will be compelled to make commercial relations with some other country.

There is now communication by steamers from San Francisco to Australia, touching at the islands, besides vessels calling at the islands for freight, and frequently freighted with coal, which affords reasonable freight for return cargo.

In this day of sharp contest for the trade of the Pacific, some effort must be made to secure it. These steamers are subsidized by the governments of Australia and New Zealand, and it is a liberal effort to secure the trade of the Pacific.

The United States derives advantages from the treaty superior to the islands in some respects.

If the exports and imports are equal, as they probably will be, it would be an equal bargain. But as the islands have no vessels, the United States will have the carrying trade, and the supplying them with all the variety of their produce and manufactures.

But supposing that there were no reciprocity of commerce in this treaty, that the commercial advantages were largely against us, and that we were to lose even \$400,000 annual revenue, yet there are political reasons of sufficient magnitude to warrant us to make it. We should consider it as a question comprehending interests beyond the mere free exchange of the articles enumerated in the schedules.

It involves matters of higher interests, of graver importance, and greater significance than those which relate simply to reciprocal advantages likely to result from a free exchange of commodities.

Private interests should be subordinate to national interests and commercial security and advancement.

The geographical position of the Hawaiian Islands, their relation to our Pacific coast and to the countries adjacent to the Pacific Ocean, their history, area, and capabilities of production, the character of their harbors and their commerce, the present and future commerce of the ocean which surrounds them, the problem as to their future political status, together with the certainty that they cannot maintain autonomy or hold their place as a separate nation and not become absorbed by some other power, are to be considered in determining the question as to the policy of making this treaty. As early as 1840 the importance of these islands, in their geographical and political aspect, attracted the attention of our Government.

Mr. Webster, when Secretary of State, even before the acquisition of California, declared that the Government of the United States would look with displeasure upon any effort by any other government to acquire any pre-ponderating influence over the government of the Hawaiian Islands; and he further said, in relation to an intimation that the French would probably take possession of the islands, that "he trusted they would not take possession, but if they did, they would be dislodged, if it took the whole power of this Government to do it, if his advice were taken."

Subsequently, in view of the importance of more intimate commercial relations with this country, Mr. Marcy, while Secretary of State, negotiated a treaty similar in principle, and he left on record his opinion that he regarded it as "a measure of great importance to both countries;" but, from considerations peculiar to that day, it was not reported by the Committee on Foreign Affairs to the Senate.

The question, however, was regarded by the Government of so much importance that Mr. Seward, when Secretary of State, stated to the Hawaiian minister that he designed to negotiate another treaty, and would do so when the war was closed; adding that the Government made no treaties at that time without some especial provisions, which, perhaps, would not be well to incorporate in such a treaty. But during his term of office such a treaty was made. But it had the misfortune to be before the Senate at the time of the San Domingo treaty, and it suffered from that association.

This treaty, incorporating the same principle of reciprocal trade, has many advantages which the other treaties had not. It embraces almost the whole import trade of the islands on the free list, to the exclusion of Great Britain and Germany and all other countries, so far as the discrimination of duties is against them.

It contains the additional provisions that no export duty or charges shall be imposed in the Hawaiian Islands or in the United States upon any of the articles proposed to be admitted into the ports of the United States or the ports of the Hawaiian Islands free of duty under the first and second articles of this convention. It is agreed on the part of His Hawaiian Majesty that, so long as this treaty shall remain in force, he will not lease or otherwise dispose of or create any lien upon any port, harbor, or other territory in his dominions or grant any special privilege or rights of use therein to any other power, state, or government, nor make any treaty by which any other nation shall obtain the same privileges relative to the admission of any articles free of duty hereby secured to the United States.

The treaty, after the most thorough discussion in the Senate, was ratified by a vote of 51 to 12. It will be seen, therefore, that the principles of the treaty have been approved by many of the leading statesmen of the country and by almost every administration of the Government for many years, and there has been an entire unanimity of opinion that the United States must have such commercial relations with them as will prevent them from being allied to any other country.

The misfortune of the islands is that they have no home market, and they are entirely dependent upon the trade of other countries, and hence the necessity of commercial relations with this or some other country.

The Legislature of Oregon expressed their favorable opinion on the subject of a treaty of this kind years ago, and requested their Senators and Representatives to support it; and so did the Chamber of Commerce in San Francisco and the Board of Trade in Boston.

Mr. Seward, in a speech he made in the Senate on the subject of the commerce of the Pacific, said:

"Who does not see that henceforth every year European commerce, European politics, European thought, and European activity, although actually gaining greater force, and European connections, although actually becoming more intimate, will ultimately sink, nevertheless, in importance, while the Pacific Ocean, its shores, its islands, and the vast region beyond, will become the chief theater of events in the world's great hereafter?"

The commercial prosperity of the Pacific States, sustained not only by its immense productive power, by agriculture and mining, but by its central position, must rapidly increase by its means of easy communication with China and Japan, and the British colonies in the South Pacific, and with the Atlantic States and Europe. And when the other railroads across the continent to the Pacific, and the ship-canal connecting the Atlantic and Pacific are complete, it will add, of course, immensely to the navigation and commerce of that ocean. The Sandwich Islands are in the track of this great commerce; and whatever maritime power moors her fleet there holds the key to the North Pacific, for, as Jarvis, the historian of the islands, says:

"No trade could prosper, or even exist, while a hostile power, possessing an active and powerful marine, should send forth its cruisers to prey on commerce."

He says further, that—

"A military colony once fairly established on them might put at defiance any means of attack which could be brought to bear against them."

Since the time that Jarvis wrote, California has been acquired, in which has been built one of the great commercial cities of the Union; and this city is connected by a railroad with the Atlantic and by steamers with Japan and China, with the Hawaiian Islands, Fiji Islands, Australia, and New Zealand, and the coast of America to Chili. Other railroads across the continent are being built, which will make additional connections with ports and islands on the Pacific. The day will doubtless come when a ship-canal will be built connecting the Atlantic and the Pacific, and, of course, extending commerce and civil relations with the rich countries of the East.

The London Times thus refers to the chief harbor of the islands:

"The narrow land-locked inlet or lagoon named Pearl River Harbor is in itself small in absolute extent, but it is of inestimable value to any civilized nation possessing it and using it for naval purposes. In the deep waters of this sheltered lake not only the armed ships of the United States, but of all countries, may find space and perfect security. The maritime power which holds Pearl River Harbor and moors her fleet there, holds also the key of the North Pacific."

Oregon has added her valuable agricultural products, with lumber and manufactures, to the great stock of the States, all of which, when the resources of the Pacific are even partially developed, will stimulate commerce by their rich abundance.

The Chamber of Commerce of San Francisco made a report in favor, some years ago, in which this language is used:

"Opposite the very portals of this commerce, and directly in its track, lie these islands, keeping, as it were, watch and ward over us and over this entire coast and its commerce. Plant an active enemy on them, and let him fortify himself there, if he were the smallest of the maritime powers, he would probably annihilate this commerce. A power with a fleet consisting of only the Florida and the Alabama would, entrenched in these marine fortresses, harass all profit out of it. In the hands of France or England the effect would be to enable either of those powers to shut us out of the great highway of the Pacific and lock us up, so far as commerce is concerned, within our own mountain ranges, absolutely at its pleasure. The United States, by keeping up an enormous naval armament on this coast, could carry her flag with her floating batteries in defiance of such powers and their mid-ocean fortress; but commerce would be suspended; and so important has this commerce of the Pacific become to the United States, so great its present proportions, and so intimately blended with the nation's hopes and interests in its prospective growth, the very knowledge that a hostile power, so located, could at will destroy it almost without cost, would compel the United States, in all international intercourse, to take a humbler tone and be less independent in urging its own views, for nations like men intuitively bathe their breath in the presence of a power which can, if disposed, inflict on them a grand injury with small effort."

Sir George Simpson, the former governor of the Hudson Bay Company, in his travels around the world, says that "the position of this archipelago is far more valuable on this account, that it neither is nor can ever be shared by any rival."

The necessity of securing the favorable relations offered by this treaty was shown in behalf of the Navy by a letter from Admiral Porter to Senator JONES, of Nevada; in a military point of view, by a letter from General Schofield, presented by Senator HAMILTON. Admiral Porter claims that if the British government should secure the control of the islands the British navy could draw a line from British Columbia to Australia, completely held against our nation, and the Pacific coast States would be defenseless; but, with the control which this treaty gives the United States, the Pacific coast is impregnable, on account of the necessity of using heavy iron ships of war, which need coaling stations within easy reach. The Pacific coast, according to the opinion of Admiral Porter, cannot be attacked successfully from British Columbia or Mexico, because in such cases we could use our land forces to protect ourselves. He says that at the present time the United States is not prepared to expend large sums in making a naval station at the islands, but this treaty will, during its operation, prevent any foreign power from getting a foothold, and before its expiration the United States may secure what privileges it requires.

The islands are a favorite naval station of all nations; some of the American naval officers have been there for months together; and Admiral Reynolds, now in command of the East India squadron, resided there for some ten years on account of his health; and, after a most intimate knowledge of their position as a naval station, of their commercial business, their institutions, social and political, they earnestly advised the ratification of this treaty. General Schofield, of the Army, visited the islands on account of his health, and while there very carefully examined them, and his opinion is in entire accord with the naval officers.

General Schofield has written very decidedly on the subject, and favorable to the treaty. He says "that he should consider it a serious misfortune to the United States for any other nation to get control of the islands."

Great Britain now possesses in the South Pacific, Australia, an immense territory, New Zealand, and Tasmania, and has recently acquired that immense group of islands called Fiji, embracing some two hundred and twenty-five in number.

British colonies in the South Pacific:

	Square miles.
Australia has	2,973,127
New Zealand	950,000
Tasmania	26,300
	3,949,427

Besides the recently acquired possession of the Fiji Islands, containing some two hundred and twenty-five islands in number.

The population of these colonies is approaching 3,000,000, with great enterprise and wealth.

The Queen, in her speech to Parliament last February, said:

"The King and chiefs of Fiji having made a new offer of their islands, unfettered by conditions, I have thought it right to accept the cession of a territory which, independently of its large natural resources, offers important maritime advantages by my fleets in the Pacific."

In addition to these great possessions in the South Pacific, Great Britain has British Columbia in the North Pacific, so that, should she now acquire the Sandwich Islands, she would have a perfect cordon around the Pacific States. These islands are the only interruption to the chief control.

	Square miles.
The United States has	1,984,467
The Territories have	1,619,417
	3,603,884

The Hawaiian Islands can do but little in promoting their prosperity without more intimate relations with this or some other commercial country.

Their civilization is modeled after our own. They have similar systems of laws. Our principles of jurisprudence are controlling authority in their courts.

Their literary and religious institutions are similar to our own, and an American in visiting their capital would feel as if he were in an American town.

It is an eventful period in the history of that part of the world, and it is important that our commercial relations should be made more intimate, so that should the

day come when those islands are, as it were, a waif on the ocean, they would come naturally under our control, without money and without price, and, what is infinitely more important, without a conflict with any great nation of the world. Other nations want them, but this country has the vantage-ground and the preference; for, as a people, their affections are with us.

In view, therefore, of these considerations, the committee report in favor of the bill to carry this treaty into effect.

The slight loss of revenue is of small value as compared with the many higher and more important interests to be subserved.

The Pacific Ocean is an American ocean, destined to hold a far higher place in the future history of the world than the Atlantic. It is the future great highway between ourselves and the hundreds of millions of Asiatics who look to us for commerce, civilization, and Christianity. These islands rest midway between us and them as the necessary post provided by the Great Ruler of the universe as points of observation, rest, supply, military strategy, and command, to enable each other to unite in protecting both hemispheres from European assault, aggression, and avarice.

A.
Population of the Hawaiian Islands.

Year.	Foreigners.	Natives.	Total number.	Decrease.	Years.
1779, Captain Cook estimated it.			400,000		
1823, American missionaries estimated it.			142,050	257,950	44
1832, official census.			130,315	11,735	9
1836, official census.			108,579	24,414	4
1850, official census.	1,962	82,203	84,165	24,414	14
1853, official census.	2,119	71,019	73,138	11,027	3
1860, official census.	2,716	67,084	69,800	3,338	7
1866, official census.	4,194	58,765	62,959	6,841	6
1872, official census.	7,853	49,044	56,897	6,062	6
RECAPITULATION.					
1872, natives.			49,044		
1872, half-castes.			2,487		
1872, foreigners.			5,366		
Total.			56,897		
1850, natives.			82,203		
1872, natives.			49,044		
Decrease in twenty-two years.			33,159		
Forty and one-third per cent., or 1.83 per cent. annually, including half-castes.			2,487		

The undersigned, a minority of the Committee of Ways and Means, submit their views and objections to the bill (H. R. No. 612) to carry into effect the proposed treaty between the United States and the Hawaiian Islands, signed January 30, 1875.

The proposed treaty is as follows:

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF THE HAWAIIAN ISLANDS—COMMERCIAL RECIPROCITY.
Concluded January 30, 1875; ratification advised by Senate March 18, 1875; ratified by President May 31, 1875; ratified by King April 17, 1875; ratifications exchanged at Washington June 3, 1875; proclaimed June 3, 1875.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A Proclamation.

Whereas a convention between the United States of America and His Majesty the King of the Hawaiian Islands, on the subject of commercial reciprocity, was concluded and signed by their respective plenipotentiaries, at the city of Washington, on the 30th day of January, 1875, which convention, as amended by the contracting parties, is word for word as follows:

The United States of America and His Majesty the King of the Hawaiian Islands, equally animated by the desire to strengthen and perpetuate the friendly relations which have heretofore uniformly existed between them, and to consolidate their commercial intercourse, have resolved to enter into a convention for commercial reciprocity. For this purpose, the President of the United States has conferred full powers on Hamilton Fish, Secretary of State, and His Majesty the King of the Hawaiian Islands has conferred like powers on Hon. Elisha H. Allen, chief justice of the supreme court, chancellor of the kingdom, member of the privy council of state, His Majesty's envoy extraordinary and minister plenipotentiary to the United States of America, and Hon. Henry A. P. Carter, member of the privy council of state, His Majesty's special commissioner to the United States of America.

And the said plenipotentiaries, after having exchanged their full powers, which were found to be in due form, have agreed to the following articles:

ARTICLE I.

For and in consideration of the rights and privileges granted by His Majesty the King of the Hawaiian Islands in the next succeeding article of this convention, and as an equivalent therefor, the United States of America hereby agree to admit all the articles named in the following schedule, the same being the growth and manufacture or produce of the Hawaiian Islands, into all the ports of the United States free of duty.

SCHEDULE.

Arrow-root; castor-oil; bananas, nuts, vegetables, dried and undried, preserved and unpreserved; hides and skins undressed; rice; pulu; seeds, plants, shrubs, or trees; muscovado, brown, and all other unrefined sugar, meaning hereby the grades of sugar heretofore commonly imported from the Hawaiian Islands and now known in the markets of San Francisco and Portland as "Sandwich Island sugar;" sirups of sugar-cane, melado, and molasses; tallow.

ARTICLE II.

For and in consideration of the rights and privileges granted by the United States of America in the preceding article of this convention, and as an equivalent therefor, His Majesty the King of the Hawaiian Islands hereby agrees to admit all the articles named in the following schedule, the same being the growth, manufacture, or produce of the United States of America, into all the ports of the Hawaiian Islands free of duty.

SCHEDULE.

Agricultural implements; animals; beef, bacon, pork, ham, and all fresh, smoked, or preserved meats; boots and shoes; grain, flour, meal, and bran, bread and bread-stuffs, of all kinds; bricks, lime, and cement; butter, cheese, lard, tallow; bullion; coal; cordage, naval stores, including tar, pitch, resin, turpentine, raw and rectified; copper and composition sheathing; nails and bolts; cotton and manufactures of cotton, bleached and unbleached, and whether or not colored, stained, painted, or printed; eggs, fish, and oysters, and all other creatures living in the water, and the products thereof; fruits, nuts, and vegetables, green, dried, or undried, preserved

or unpreserved; hardware; hides, furs, skins, and pelts, dressed or undressed; hoop-iron and rivets, nails, spikes, and bolts, tacks, brads, or sprigs; ice; iron and steel, and manufactures thereof; leather; lumber, and timber, of all kinds, round, hewed, sawed, and unmanufactured, in whole or in part; doors, sashes, and blinds; machinery of all kinds, engines, and parts thereof; oats and hay; paper, stationery, and books, and all manufactures of paper or of paper and wood; petroleum and all oils for lubricating or illuminating purposes; plants, shrubs, trees, and seed; rice; sugar, refined or unrefined; salt; soap; shooks, staves, and headings; wool and manufactures of wool, other than ready-made clothing; wagons and carts for the purposes of agriculture or of drayage; wood and manufactures of wood, or of wood and metal, except furniture, either upholstered or carved, and carriages; textile manufactures, made of a combination of wool, cotton, silk, or linen, or of any two or more of them other than ready-made clothing; harness and all manufactures of leather; starch; and tobacco, whether in leaf or manufactured.

ARTICLE III.

The evidence that articles proposed to be admitted into the ports of the United States of America or the ports of the Hawaiian Islands free of duty under the first and second articles of this convention are the growth, manufacture, or produce of the United States of America or of the Hawaiian Islands, respectively, shall be established under such rules and regulations and conditions for the protection of the revenue as the two Governments may from time to time respectively prescribe.

ARTICLE IV.

No export duty or charges shall be imposed in the Hawaiian Islands or in the United States upon any of the articles proposed to be admitted into the ports of the United States or the ports of the Hawaiian Islands free of duty under the first and second articles of this convention. It is agreed, on the part of His Hawaiian Majesty, that so long as this treaty shall remain in force he will not lease or otherwise dispose of or create any lien upon any port, harbor, or other territory in his dominions, or grant any special privilege or rights of use therein, to any other power, state, or government, nor make any treaty by which any other nation shall obtain the same privileges, relative to the admission of any articles free of duty, hereby secured to the United States.

ARTICLE V.

The present convention shall take effect as soon as it shall have been approved and proclaimed by His Majesty the King of the Hawaiian Islands, and shall have been ratified and duly proclaimed on the part of the Government of the United States, but not until a law to carry it into operation shall have been passed by the Congress of the United States of America. Such assent having been given, and the ratifications of the convention having been exchanged as provided in article VI, the convention shall remain in force for seven years from the date at which it may come into operation; and, further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of seven years, or at any time thereafter.

ARTICLE VI.

The present convention shall be duly ratified, and the ratifications exchanged at Washington City, within eighteen months from the date hereof, or earlier if possible.

In faith whereof the respective plenipotentiaries of the high contracting parties have signed this present convention and have affixed thereto their respective seals.

Done in duplicate at Washington, the 30th day of January, in the year of our Lord 1875.

HAMILTON FISH. [SEAL.]
ELISHA H. ALLEN. [SEAL.]
HENRY A. P. CARTER. [SEAL.]

And whereas the said convention, as amended, has been duly ratified on both parts, and the respective ratifications were exchanged in this city on this day:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States of America, have caused the said convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 3d day of June, in the year of our Lord 1875, [SEAL.] and of the Independence of the United States the ninety-ninth.

U. S. GRANT.

By the President:
HAMILTON FISH,
Secretary of State.

A statement from the Secretary of the Treasury shows the imports into the United States from those islands for the last fiscal year to have been \$1,227,191, from which the Government of the United States received in revenue from import duties the sum of \$456,777.

From the same source it appears that the whole value of goods, wares, and merchandise exported from the United States, of her products to these islands, for the same year, was the sum of \$665,174, not one-third in excess of the amount of annual revenue received, \$456,777, from our commerce with the islands; which sum it is proposed by this treaty to give away and remit, chiefly to the sugar interest on the islands, and necessarily to be made up by further taxation upon our own people.

This is giving and remitting nearly one dollar of duty to the islands for the privilege of selling another dollar's worth of products.

The Secretary of the Treasury says further that in the six months of the current fiscal year, ending December 31, 1875, the importation of sugar into the United States from these islands amounted to 12,425,219 pounds. At this rate the imports of sugar in the year ending June 30, 1876, would reach 24,850,438 pounds, the duty on which is \$543,603; and this from sugar alone.

So that, with this treaty in force this year, we would pay at least a dollar for the privilege of selling goods worth a like sum.

Of the commerce or trade with the Hawaiian Islands the sugar product is of chief value, the quantity sent to us being \$938,676, out of a total import of \$1,227,191, or more than three-fourths of the whole. The product of this article is rapidly increasing. It increased from 1,444,271 pounds in 1860 to 28,000,000 in 1875.

Under this treaty, by which this sugar is admitted free, and the producers thus given two and two-fifths cents per pound bounty over all other sugars of like quality imported, we shall receive the entire crop. This, with the production encouraged by this bounty, amounting to about 50 per cent. *ad valorem*, will average not less than 50,000,000 pounds per annum.

This is the quantity at which the Hawaiian commissioners fix the sugar production of the islands. This entire crop we shall receive in consequence of the bounty of two and two-fifths cents per pound offered the producers.

The supply from the other islands in the Pacific will be cut off to the same extent we are so supplied. Thus the Government will suffer a diminution of revenue from products of other Pacific islands, which, but for the supply from Hawaii coming in free, would pay a duty of two and two-fifths cents per pound. And thus it is that by reason of this treaty admitting Sandwich Island sugar free we shall suffer a loss of \$1,200,000 per annum on sugar alone, a sum nearly equal to the whole trade of the islands with all foreign countries, which in 1873 was only \$1,155,800.

Should we, therefore, secure the whole trade of the islands by this treaty it

would cost us a dollar for the privilege of selling goods of the value of another, and during the seven years' continuance of the treaty, should it be ratified, it will cost us at least \$10,000,000.

Neither would this give us cheap sugar; the quantity imported is only 1 per cent. of our consumption, nor can it exceed (for natural causes, such as the limited quantity of arable lands) 5 or 6 per cent. of our consumption; and this cannot reduce the prices in our market.

Thus it is that the forty or fifty sugar-planters (none of whom are Sandwich-islanders) who control the sugar product on these islands will receive the highest market prices from our citizens, while our citizens will receive no benefit from it by reason of cheaper goods, nor will the Sandwich Islands receive any benefit therefrom.

This benefit all inures to the sugar-planters, for the reason that this treaty artfully provides that the Sandwich Islands shall lay no export duty. The sugar-planters, therefore, get the two and two-fifths cents per pound bounty, which is remitted by us, and, as shown above, without a reduction of the market price. The money so remitted from our Treasury goes not to the treasury of the Hawaiian Islands, but to the sugar-planters. On an examination of the imposing list of articles which we may import into the islands free of duty, it will be found to contain bricks, shrubs, trees, rice, sugar, wool, and very many articles with which the people of the islands supply themselves, or do not need, while liquors and spirits and ready-made clothing, which have made up about one-seventh of our exports to the islands, are carefully omitted. In short, the undersigned are of the opinion that this treaty is not justified by any principle of reciprocity, and cannot be sanctioned consistently with the interests, financial, commercial, or otherwise, of the United States.

The undersigned further show that, by treaties already in existence with other sugar-growing countries, the same exemption from duties upon sugars grown in such countries will accrue to them as is allowed by this treaty to the Hawaiian Islands. Many of these countries have easy access to the Atlantic ports of the United States by water; and, in consequence, these foreign-grown sugars will, being duty free, enter into competition with the sugars grown in the United States, and be exempt from the burdens of internal taxation, to which our own citizens are subject.

The total revenue for the year ending June 30, 1875, upon sugar and molasses imported into the United States, was about \$38,000,000. The rate of duty reduced to *ad valorem* on molasses is about 20 per cent.; on sugars, ranging from 43 to 65 per cent. This duty, hitherto so fruitful in revenue, and at the same time so beneficial to our own planters, is proposed to be abandoned, in part in favor of foreign planters, who will avoid the burdens which are imposed upon our own citizens.

Nor will it do to say that because the Hawaiian sugars will not come into competition with our own in the Pacific markets that the treaty does our planters no injury. For the freedom from duty will accrue, as has been shown, to foreign sugars grown upon the Atlantic coast. And besides, the undersigned may state the further fact, that while the *unrefined* sugars of the growth of Louisiana may not be exported to our Pacific ports, *refined* sugars may be and are; and thus the preference to the sugar-refiner on the Pacific, who uses the sugar imported duty free under this treaty, over the sugar-refiners in the Atlantic cities, will react upon the planter at home, whose sugars the latter must use, or else use sugars imported, subject to a heavy duty.

The same course of reasoning applies to the article of rice, which is to be imported duty free under this treaty from the Hawaiian Islands.

The undersigned are thus brought to the conclusion that the policy proposed by this treaty is at war with the interests of the home producers of sugar, of the sugar-refiners on the Atlantic, and is seriously injurious to the revenue.

But this is not all. The advantages secured to this country by the treaty are inconsiderable, and in many respects illusive. Many of the articles to be admitted without duty into the islands from the United States we would sell to them at any rate. Our greater proximity to the islands makes us safe in competition with other producers of like articles; and a large number of important articles, and which we could supply to them, are not admitted duty free.

For example, our coal is duty free under the treaty; yet by the law of the islands, it is duty free coming from any country. Nor are any duties imposed upon imports under the Hawaiian tariff so high as to operate to the detriment of our commerce.

Much stress is laid by the report of the majority upon the importance to the United States of obtaining a foothold upon these islands in the interests of our Pacific commerce with the continent of Asia, and of our safety in case of future wars with any great naval power.

The undersigned are not insensible to these considerations. No European power should be permitted to obtain the sovereignty of the islands, or to gain such influence in them as to menace our security. To allow this would be contrary to the well-established canons of American policy, sanctioned by nearly a century of traditions, and by the conceded maxims of international law. No European power can deny to us the peculiar right to exclude them from possessing what would be a standing menace of danger to us, and the possession of which, by us, would be no menace to them.

But it is one thing to decide that no other nation shall take hold upon the islands and quite another to determine we will not do so ourselves. The policy of annexing the islands to the United States is one full of difficulty. It would entail upon us enormous expense, and would make it as important to extend our domain beyond them to protect our possession in them as it is now plausibly argued the possession of them is essential to the security of our Pacific seaboard.

Our strength in defense of our Pacific coast, our ability to protect our Asiatic commerce, to hold our place upon the Pacific, as upon every other sea, must at last depend upon our internal resources, and they are immense. The danger to us from the greatest naval power of the world is balanced by its own exposure to our prompt and powerful attack upon its long and indefensible colonial frontier. We hold the power of peace with her and all other nations in doing justice to all, in entangling alliances with none, in developing and conserving our natural elements of strength, and in making peace with us the interest of all nations, by a liberal and impartial trade and intercourse with them.

The neutrality of the commercial nations as to these islands, the hospitable *entre-ਪ* for the Pacific commerce of the world, their healthful civilization and development under the common protection and liberal policy of all, and an open but firm diplomacy, which claims only equal but no exclusive rights to this place of refit and refuge for the wayfarers of the sea, will do more to expand our commerce and secure our peace than the possession of the sovereignty of the islands, and for a much stronger reason than the illusory provisions of this treaty.

The undersigned, were they inclined to the scheme of fixing the American power upon the islands, are unable to perceive how such a policy is inaugurated by this treaty. It neither gives any foothold upon the islands to the Government nor exclusive advantage to her trade. By law, and without treaty, every article admitted duty free from our ports might be imported from any other country without any, or with a merely nominal, duty. This treaty prevents the Hawaiian King from making any lease or disposition, or creating a lien upon any part of his dominion, or granting any *special* privilege or rights of use therein. But it does not exclude him from giving *equal* privileges and use to every other nation with ourselves. Nor does it forbid a treaty by which any other nation might *purchase* such special right; the meaning of the terms used in the treaty being limited, by the usual construction, to a free grant, and not to a sale of a right upon consideration paid or furnished. Nor does the treaty forbid the islands by law from repealing or reducing their duties according to their own will, though the King cannot bind himself by treaty to do so.

The treaty already existing, ratified under the administration of President Taylor, (United States Statutes at Large, 406,) contains all that is needed for the security of our peace and the promotion of our commerce, and is in all respects better adapted to make the relations between the two countries intimate and strong than the present treaty, and this is done by the existing treaty without any subjection by an entangling alliance of our financial policy and the regulation of our commerce, internal and external, to the influence and supervision of a foreign people.

By adopting this treaty we array the interests of our Pacific and Atlantic States against each other; the one receiving duty free that on which the other pays a tax of 40 to 65 per cent. The refining business of the two sections is jealously antagonized, the one free from burdens the other bears. We give our markets freely to the foreigner, who owes no duty and pays no reciprocal revenue for the bounty conferred, while the home planter bears the taxation we impose, with no equivalent blessing to that vouchsafed to his alien rival. The stranger is free and the children pay tribute, contrary to all principles of justice and good government. Besides, we relinquish a revenue which will find its way into the coffers of the alien planter, stimulating his production, which will freely come, in exclusion of the like products now paying duties. And all these things will result, with no equivalent to this country not fully secured by treaty, upon the imagination of a peril for which we have the amplest defense in our internal strength, or a relative position to other nations, and in the firm adherence to our well-understood courses of international policy.

For these reasons the undersigned must respectfully dissent from the recommendation of the majority of the committee, and do therefore as respectfully recommend that the bill reported be rejected.

W. R. MORRISON.
PHILIP F. THOMAS.
J. R. TUCKER.

While withholding assent from some of the foregoing propositions, I concur generally in dissenting from the recommendation of the majority of the committee, and in recommending the rejection of the bill.

WM. D. KELLEY.

Mr. WOOD, of New York. Mr. Chairman, I have rarely attempted to address this House with a more decided and positive conviction of the rectitude and correctness of my position than I now feel in rising to advocate this measure. Indeed it is very seldom that the House of Representatives is allowed to take part in the discussion and determination of any question relating to our international diplomacy. Under the Constitution of the United States, the treaty-making power is vested exclusively in the President and the Senate. That instrument also declares that the treaties so made shall be the supreme law of the land. In the early history of our Government it was held that no treaty, of whatever character, should be submitted to the action of the House of Representatives. General Washington held this opinion. In a communication to the House of Representatives, 30th of March, 1796, he said that to him "it was perfectly clear that the assent of the House of Representatives is not necessary to the validity of a treaty." The treaty-making power was absolute in the President and Senate. There are also opinions of Judge Story, of Chancellor Kent, and of other eminent and distinguished commentators upon the Constitution of the United States looking very far in that direction.

Such, however, has not been the practice. While it has been conceded that the treaty-making power was vested in the President and the Senate, it has been the practice that this power did not extend to those treaties requiring the appropriation of public money or to the changing of existing laws with reference to customs and revenue. Hence it is in pursuance and in the line of that practice that the treaty made with His Majesty the King of the Hawaiian Islands is now presented to this House for its concurrence, so far as its execution and effect are concerned.

Let me premise here that we have but limited authority over this treaty; we cannot alter, amend, modify, or change one letter of that instrument. While unquestionably we have the right in this discussion to consider the treaty in all its aspects, while it is pertinent to the subject of our inquiry to go into the treaty in all regards as to its effects upon the interests of the Government, yet we are denied the power to change it either in letter or in spirit. It is our duty either to pass the law to carry the treaty into effect or to refuse to do so, and thus defeat the treaty itself. We possess a negative, and not an affirmative, authority.

Mr. Chairman, I have said that I have never arisen with a graver sense of the importance of a measure than now. I say so because I look to the Pacific Ocean as that vast sea which in the not distant future will be more essential and indispensable to the prosperity and material interest of this great nation than the Atlantic Ocean twice over; and that this treaty if consummated will be a grand step toward the permanent security of these interests, laying the foundation of a permanent prosperity, and the obtainment of rights and exclusive privileges which will be as advantageous in war as they will be valuable in peace.

Westward the course of empire takes its way.

The many hundreds of millions of people inhabiting countries which border upon that sea look to America, look to the United States not only for their own progress, but for something of the spirit of Christianity, intelligence, and education which has been so productive of our own success in the development of our own resources. Hence, sir, a measure of this character, which, in my judgment, tends so directly to furnish the material by which this great future shall be opened to us, is not only of the gravest importance to this country, but will, if consummated, form an epoch in the commercial history of this era.

What is the bill before the House? In a few words, it proposes to carry into effect the treaty made with the King of the Hawaiian Islands in January of last year. The treaty provides that within eighteen months after the ratification each government, by its prop-

erly constituted authorities, shall take measures for its enforcement and recognition. The Hawaiian government has already performed its part of this duty. By its legislative and executive authority it has ratified this treaty and performed its part of the obligation in order to give it effect and force. It remains for us now to do our part; and this bill is for that purpose.

This is a practical age. The American people of all other people are probably the most practical. We approach every question with a plain, vigorous, practical common sense. We are not mere theorists. We generalize sometimes for our purposes; but my observation in recent Congresses is that every day we are becoming more and more practical. When a proposition is presented to us, we grasp its strong points, and we determine its merits with reference to the material interests involved. We expect subjects of a public nature to be determined upon through the relative merit or demerit they may possess. We apply the test of utilitarianism in its most comprehensive scope, and reach conclusions, sometimes it is true erroneously, but generally for the public weal as we understand it. When we deviate from this principle we do so from the sophistry of interested advocates, or the narrow prejudices of sections, parties, or leaders. The measure under consideration may be viewed in many lights, and from many standpoints. Some, whose vision cannot penetrate a far-off advantage, will look at it solely as a question of immediate interest—as a bargain between nations to be settled upon homely principles of profit and loss at the present moment, without reference to remote advantages or distant returns. Others will see in it "a job," or a speculation. This class of critics are frequently troubled with night-mare. They are dyspeptic men who, never healthy or happy themselves, will allow no one to be so if they can help it. There are others who are naturally disputatious and love opposition, and to be opposed. Therefore I anticipate objection from such quarters to the passage of this measure, quite willing that gentlemen may do so without reference to their motives or their objects.

I am willing, if you please, to shut my eyes to all the greater and higher interests involved. I am willing to concede, as it may be attempted in this discussion to prove, that we are not to derive from this treaty the great commercial, political, and military advantages which I hope to be able to prove we shall obtain from its ratification. We will look at it simply in its most homely, practical, every-day sense: Upon its face, is this a profitable treaty for the United States to make?

What does it propose? It proposes that certain articles enumerated in the schedules, the growth and product of these islands, shall be admitted into the ports of the United States free of duty; and that certain articles, the growth and product of our country, shall be admitted free of duty into those islands. The precise cost in dollars and cents to the Government of the United States has been figured up—how much we are to lose in the way of revenue and what gains we are to receive in return? This is putting it in the most practical way in the world. I do not object to its consideration in that spirit; for looking at it in the light of a purely business transaction, if the Government of the United States were to suffer by the bargain, while I might be willing for greater considerations to give it my assent, it might have an influence upon my mind if our loss was to be very great. But I do not concede that.

Ever since a treaty like this has been agitated, the opinions of the several Secretaries of the Treasury have been obtained as to the probable effect of the free admission of these articles upon the revenue, the trade, and the commerce of the country. Among those Secretaries may be mentioned Robert J. Walker, Mr. McCulloch, Mr. Boutwell, and the present Secretary, Mr. Bristow. In reply to inquiries, official communications have been made to the State Department from each of the heads of the Treasury Department that there could be no possible objection to the treaty upon the simple ground of loss of revenue. The present Secretary replied in a communication of a most intelligent character, which is referred to in the reports accompanying the bill. The following extracts from this document are worthy of special consideration:

The effect on the revenue of admitting the articles named in the schedule free of duty is first to remit the amount levied on sugar, the quantity of which was, in 1873, (fiscal year,) 15,743,146 pounds, on which the duty, at two cents per pound, is \$314,863; and, inclusive of a small amount of other saccharine products, (molasses and melado,) it amounts to \$320,345 in all on this class of articles. This is also nearly the average for three years ending with 1873.

The duty on other articles imported and included in the schedule of articles to be admitted free is small in amount, including none of conspicuous importance. The aggregate received is less than \$50,000 per year. The entire release of duty proposed by the treaty, therefore, would be nearly \$370,000 yearly.

In relation to the question of duty, it is, however, only just to say that the present consumption of sugar on the Pacific coast is rapidly increasing, the increase each year being nearly equal to the total importation of a year from these islands.

For 1873 (the fiscal year) the total quantity of sugar imported at San Francisco was 72,026,072 pounds, and 2,980,939 pounds at Portland, Oregon; together 75,007,011 pounds. In the preceding year the entire quantity was 62,861,460 pounds; a difference of 12,145,545 pounds in 1873 over 1872.

During 1874 the importation was still larger. This increasing importation and consumption therefore causes the question to stand not so much as one of diminution of present revenue, but rather as a check to their increase to the extent of the importation of sugar and other dutiable articles made free. The lack of natural facilities for developing the production of sugar in the islands, embraced in the treaty, would keep down the future proportions of this check.

The Secretary, in conclusion, further states:

The proposed release of this duty would undoubtedly increase this trade, and its increase would go far toward compensating for the loss resulting from the release of sugar from duty.

Should the sugar product so released increase to 25,000,000 pounds yearly, the export trade would probably equal it in value.

In addition to the particular articles of commerce affected by the treaty there are general commercial advantages likely to follow, which can only be alluded to here. The rendezvous so long afforded at these islands for the sailing fleets of the Pacific is still needed; and with the increasing commerce of all the seas bordering the Pacific the demand increases for such aids and facilities as would be afforded through the establishment of American interests in the Hawaiian Islands proposed by the treaty.

I present a statement of the amount of duty collected on the articles enumerated in the schedule of treaty reported from official sources.

Statement of the imports into the United States from the Sandwich Islands during the fiscal year ended June 30, 1875, with the estimated duties under the present rates of duty; being the same articles proposed to be admitted free of duty under the treaty concluded January, 1875.

Commodities.	Total imports.		Rate of duty.	Estimated accruing duty.
	Quantity.	Amount.		
Total free of duty		\$168,771		
Subject to duty:				
Animals, living		10	20 %	\$2
Brass and manufactures of				
Rice, pounds	1,588,232	60,131	2c. per lb.	31,764
Chemicals, drugs, &c.		164	20 %	33
Flax, manufactures of		105	40 %	42
Fruits		8,941	10 %	894
Glass, manufactures of		126	46 %	50
Iron and steel, manufactures of				
Leather		639	35 %	224
Oils, whale and fish, gallons	35,437	11,998	20 %	2,399
Potatoes, bushels	72	101	15c. per bush.	11
Salt		2,089	12c. per 100 lbs.	896
Seeds		102	20 %	20
Sugar and molasses:				
Sugar, brown, pounds	17,888,000	938,676	1 $\frac{1}{2}$ c. per lb. and 25 %	391,300
Molasses, gallons	63,578	8,961	5c. per gal. and 25 %	3,974
Melado, pounds	21,360	742	1 $\frac{1}{2}$ c. per lb. and 25 %	400
Wood, manufactures of		62	35 %	23
Wool, raw	217,990	24,760	10c. per lb. and 11 %	24,524
Wool carpets		21	40 %	8
All other articles		381	20 %	76
Total subject to duty		1,058,420		456,777
Total imports		1,227,191		

EDWARD YOUNG,
Chief of Bureau.

BUREAU OF STATISTICS,
February 28, 1876.

Thus it will be seen that taking the past as a basis of calculations as to the probable loss of revenue, which I contend is not reliable, we shall lose far less than alleged by the opponents of this measure.

There are three propositions presented in objection: First, that sugars, which constitute the material leading article to be admitted free of duty, will come into competition with American-grown sugar; secondly, that, by admitting sugar free of duty from these islands, there will probably be a large increase of the production, and that consequently the loss of revenue will be very large; thirdly, that, by making this treaty, we will come in conflict with other existing commercial treaties in which we have provided that like advantages may be given to other nations under like circumstances.

Now, sir, first as to the subject of competition. Is there any gentleman in this House who can see any rivalry between foreign-grown sugar imported into the Pacific ports, sugar grown upon islands in the Pacific Ocean imported into the Pacific ports of this country, and sugar grown in Louisiana? We annexed California in 1846, thirty years ago. The influx of population began in 1848 when gold was discovered, and there has since grown up there a vast empire possessing a large commerce and a bold, enterprising, and prosperous people, paying the very highest price for products of the world whenever necessary to their subsistence or their pleasure; and yet not one pound of Atlantic-grown raw sugar, as such, has been imported into their ports.

Gentlemen can readily see that the enormous cost of transportation, either by rail or ocean, would render it commercially impossible. There is too much Pacific-grown sugar at hand for Atlantic-grown sugar to be thought of for a moment as an article of commerce.

I am surprised, sir, any attempt should be made to arouse sectional opposition to this bill upon the ground that any interest of the Atlantic seaboard is to be interfered with in any regard whatever. The sugars imported into our Pacific ports are principally from Manila, in the Philippine Islands, belonging to Spain, Batavia, an East India Island belonging to Holland, China, Formosa, Swatow, Central America, and Honolulu, which is the sugar in question. It is from those countries and from those alone that ninety-nine hundredths of the whole amount comes into our ports upon the Pacific slope. It is very true that recently, owing to the present depression of business, sugar-refiners in New York, where bankruptcy has nearly ruined all except one or two, some persons have sent on commission the highest grade

of refined sugar at their own risk across the Pacific Railroad and have supplied some small quantities to San Francisco. But no raw sugar, no sugars of inferior grades such as are now grown upon the Sandwich Islands, no sugar other than that of the lower class, used altogether for the purpose of manufacture, has ever yet found its way from the Atlantic to the Pacific, either from Louisiana, New York, or anywhere else. Therefore I dismiss as scarcely worthy of serious consideration the objection raised to this bill, that it will interfere with the sugar-growing region upon the Atlantic seaboard.

The assumption that we are to lose revenue is based on a fallacy. How can we lose what we do not have? I hope to be able to prove conclusively, if this treaty fails, we will get no more sugar from the Sandwich Islands into our Pacific ports. Other and more powerful nations in some regards than ourselves are ready to make not only a treaty far more favorable to the Sandwich Islands than this would be, but also to make a loan to that government of \$1,000,000, if necessary, for the extension of other favors in return.

The report of the committee, Mr. Chairman, refers to some remarkable intrigues which have been going on in the British possessions for the purpose of diverting this trade entirely from the United States to those British possessions in the southern Pacific Ocean. If this treaty fail, instead of getting as we now do some \$450,000 a year revenue by duties levied on certain articles, my prediction is that we will not only not get anything, but will lose a golden opportunity to obtain advantages which are indispensable to our Pacific commerce.

Do not gentlemen recollect that the amount of revenue we collect on sugar is according to the amount of duty we lay upon it? Have we any guarantee that the present rate of duty will be continued? Until lately did we not lay fifteen cents per pound upon tea and three cents per pound upon coffee? Do we lay any now? Coffee and tea are admitted into the United States free of duty. And why? Because they are articles of prime necessity; they enter into every poor man's household, and have become indispensable to the family comfort and sustenance. But are they any more so than sugar? I am quite prepared to see the day when, by economical administration of this Government, when by honest, faithful, diligent conduct of affairs, when by doing away with the present system of profligacy and extravagance, we shall be able to cut down our governmental expenses from 25 to 33 per cent. And when we have done that, my prediction is that one of the first articles which we shall cease to collect revenue upon will be sugar; sugar will follow tea and coffee, and come in free. This objection to this measure, based upon the hypothesis that we are to lose so much money because we have been in the habit of collecting it, is not reliable.

When they go further and estimate a much larger probable loss by predicting an increase of the population so as to raise, as they say, an aggregate amount of fifty million tons of sugar, my reply is that those islands cannot produce it. The population has decreased from 400,000 in 1779 to less than 50,000, including 6,000 foreigners, in 1875. And it is the native population that furnish the labor. No sugar can be produced except by the manual labor of the natives of those islands. The decrease of the population is a painfully remarkable fact. In round numbers, omitting the fractions, in 1779 it was 400,000; in 1832 it was 130,000; in 1836 it was 108,000; in 1850 it was 84,000; in 1853 it was 73,000; in 1860 it was 69,000; in 1866 it was 62,000; in 1872 it was 49,044, of which 6,853 were foreigners, leaving only a little over forty-two thousand as the total native population of the Sandwich Islands. There has been a gradual extinction of population, a gradual obliteration of the natives of the country, leaving them, as it were, a prey to some more powerful nation to come in and occupy the ground that Providence in His wisdom has determined they shall cease to occupy any longer. And gentlemen are frightened at this product of a handful of starving natives, lest it may interfere with the revenues of this nation.

Now, sir, I will admit everything that may be conjectured as to loss of revenue. They may estimate it at \$400,000, at \$500,000, at \$1,000,000; I will support the treaty notwithstanding. What is the compensation that we get in return, whatever the loss may be? I am treating it simply as a bargain between nations, a bargain between merchants. We give them the privilege of admitting certain articles free of duty. What do they give us in return? First, we get the whole exclusive carrying trade. I know it will be said we have that now. It is true we have the most of it, but if this treaty fail we shall be made to pay such heavy port tonnage and other charges that it will operate to our exclusion hereafter. Other nations will obtain discriminating favors which will in effect deprive us of them altogether. The American flag will cover the whole of that commerce outward and inward. This is not usual at the present day. Our flag is not seen on the waters of the world as it was sixteen years ago. We have been driven almost entirely from the Atlantic Ocean, not so much by foreign intrigue or aggression as by a ruinous and iniquitous policy and the late civil war. But, sir, upon the Pacific we have something of commercial marine. We hold there the finest line of steamships under the American flag that floats upon any ocean. Let us extend this advantage. Upon the land the flag has been maintained by sacrifice, by blood and treasure. Let us maintain it upon the ocean also, and fostering its progress and promoting its extension by the legitimate appliances of the peaceful arts and cultivation of friendship with foreign nations and the firm establishing of fraternity and concord. And when by commercial treaty we can extend that

flag, by which we can secure its further advancement and promote the commerce which should be protected under it, it would be the grossest national error, bordering on crime, not to avail ourselves of the opportunity.

We get most of the carrying trade. It is now almost exclusively in American bottoms. We propose to maintain it. But, sir, that is not all. All the products of the United States, whether agricultural or manufacturing, that go into the consumption of these people are to be admitted free of duty upon their part. Already, sir, that country does receive some supplies from Germany, from the East Indies, and from New Zealand and Australia, which are British possessions. But when our manufactures, our agricultural products, the products of our soil and of our workshops, shall be admitted free of duty, we shall have an entire monopoly of their trade in the articles we produce which enter into their consumption, to the exclusion of every other nation. Is that no compensation? We are virtually and practically to be placed in possession of that country without the responsibility or the expense of maintaining it. We do not propose to make it American soil. We do not propose to annex it as a territory. We do not propose, as was proposed in the case of San Domingo, to pay any money for it. We do not propose to expend one dollar. We propose to enter into a friendly, peaceful, commercial regulation, which of itself and by itself, by the extension of the olive-branch and not the sword, will enable us to obtain such a status that whenever we will it the boon itself will fall gracefully into our hands.

The present duty in the Sandwich Islands, upon all their importations from every part of the world, is 10 per cent. *ad valorem*; a horizontal duty covering all of the articles which they propose under their schedule to admit free of duty. That 10 per cent., and in some items more than that, is in the aggregate a duty higher than the duty levied in the aggregate upon the articles of our production which they are to admit free of duty.

Nor is that all the compensation we receive. I desire to call the attention of gentlemen, and I hope they will listen to it, to a most remarkable and unusual provision in the fourth article of this treaty, by which His Hawaiian Majesty stipulates that—

So long as this treaty shall remain in force, he will not lease or otherwise dispose of or create any lien upon any port, harbor, or other territory in his dominions, or grant any special privilege or rights of use therein, to any other power, state, or government, nor make any treaty by which any other nation shall obtain the same privileges, relative to the admission of any articles free of duty, hereby secured to the United States.

After a thorough and critical examination of every treaty made by the Government of the United States from the beginning to the present, I find no treaty containing any such advantages to the United States. The commercial treaties are based upon reciprocity, of interchange of commodities, &c. This treaty is based upon reciprocity so far as the interchange of the commodities of the two nations are concerned, but on terms and conditions which give the United States the entire monopoly of that country; and no other treaty of the like character can be made with England, France, China, Holland, Russia, or any other nation which has territory upon the borders of the Pacific Ocean or elsewhere. Nor would any of those governments attempt for one hour to negotiate for the making of a treaty with this treaty in existence; for, if so, they would hazard an interruption of friendly relations with this Government. Sir, is that no compensation? In view of the great political advantages we gain by this restriction or discrimination in our favor the treaty is desirable, though we should lose twenty times more revenue than is claimed.

To say that this fourth article of the treaty is susceptible of the construction that the Sandwich Islands can make a treaty with another nation under which they may admit certain articles like ours free from duty—I say, sir, in reply, it is impossible for any government to put any such construction on the treaty, because the language is that they shall not, with any other power, state, or government, make any treaty by which any other nation shall obtain the *same privileges* relating to the admission of articles free of duty. To hold that there is nothing in this treaty to prevent the Hawaiian government from making similar treaties with other nations is untenable and not to be respected for a moment. The thing is impossible. They are virtually and practically placed in a position where they are excluded from any negotiations of a commercial character or to interfere with this treaty in any regard without our consent, and only with our consent could it be done.

Mr. Chairman, the man who predicts that this continent will at a later period be populated like Asia is no longer considered a dreamer. I think that the child has already been born that will live to see more than one, two, or three transatlantic railways connecting the Atlantic and Pacific Oceans. I think the day is not far distant when the States and Territories on our Pacific coast lying west of the Rocky Mountains will contain a larger and a more energetic and prosperous people than we on this side of the Rocky Mountains.

Already we have one great highway to the Pacific. We have steam communication from Liverpool to Hong Kong making three thousand miles across the Atlantic Ocean; three thousand miles across the United States, and seven thousand miles across the Pacific Ocean; and this is but the beginning and scarcely the beginning of the progress and advancement of our future commercial and national power.

The Southern Pacific road contemplated finds its terminus at San Diego on the Pacific coast. It crosses over the southern tier of States

to the Pacific coast to San Diego, five hundred miles south of San Francisco. San Diego is directly in line with Honolulu, the capital of the Sandwich Islands. It is in the same latitude, and, by the remarkable condition of the currents and winds of the Pacific Ocean, is brought nearer by steam navigation than it is by geographical miles. Vessels sailing from and to Japan and China all touch at the Sandwich Islands. This is the natural stopping-place, whether coming from or going to the east from our shore. They touch at this point. Now, whether approaching or leaving the American coast, they steam or sail at least six hundred miles along the coast southward or northward, as the case may be; thus, in all cases, touching a point south of or near to San Diego, and thus bringing the terminus of the Southern Pacific road much nearer than San Francisco is to Japan and China.

Therefore, the southern portion of the Atlantic States are largely interested in this measure, provided they take that natural view of their own interests which has so sufficiently built up their more northern sisters in the American Union.

Indeed, the States of the South have a much larger interest in this question than we of the North. We are already provided with the present Pacific railway, which runs now due west from New York. New York is the great *entrepôt* which receives the treasures of the East. We transmit them to Europe, and from Europe they come back to us. By exchange of commodity and exchange of money we have now a monopoly of the transatlantic and transpacific trade. Therefore, if we of New York, taking a broad, comprehensive view of this great nation, standing as the mother of the country, deriving commerce, sustenance, and support from every section and interest, without sectionalism or exclusiveness—a broad, liberal, comprehensive people, who promote their own interest in promoting the interests of the country—are willing to thus aid the South, I cannot see how any representative of the South can refuse it.

Mr. CLYMER. Will the gentleman yield for a motion that the committee now rise?

Mr. WOOD, of New York. I am advised by the gentleman from Pennsylvania [Mr. CLYMER] that the committee of which he is chairman has an important communication to make to the House of Representatives. I will, therefore, move that the committee now rise, with the understanding that when the Committee of the Whole shall again resume the consideration of the pending bill I shall be entitled to the floor.

The CHAIRMAN. There are fifteen minutes remaining of the hour to which the gentleman is entitled.

The motion of Mr. WOOD, of New York, was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SAYLER reported that the Committee of the Whole, pursuant to the order of the House, had had under consideration the bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875; and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House was requested, the resolution of the House for printing the eulogies delivered in the two Houses of Congress upon the late Vice-President Henry Wilson.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House was requested, the resolution of the House for printing the eulogies delivered in the two Houses of Congress upon the late Andrew Johnson, late United States Senator and Ex-President.

The message also announced that the Senate had passed without amendment the resolution of the House directing the Committee on the Library to inquire and report concerning any unpublished documents of historical value in the possession of the Department of State relating to the history of the country before March 4, 1789, and also to report as to the expediency and cost of publishing the Monroe papers now in possession of said Department.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House was requested, House bills of the following titles:

An act (H. R. No. 1596) granting a pension to Ruth Ellen Greeland; and

An act (H. R. No. 198) to relieve the disabilities of Robert Tansill, of Virginia.

The message also announced that the Senate had passed without amendment bills and a joint resolution of the following titles:

An act (H. R. No. 2285) authorizing the purchase of additional grounds for the custom-house at Nashville, Tennessee;

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

Joint resolution (H. R. No. 19) on the celebration of the Centennial in the several counties and towns.

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

An act (S. No. 199) for the relief of the estate of the late paymaster Major John S. Walker, United States Army;

An act (S. No. 309) for the relief of William L. Nance;

An act (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 Owensborough, Kentucky;

An act (S. No. 431) granting a pension to Elizabeth B. Thomas, widow of General Lorenzo Thomas, late of the United States Army; and

A joint resolution (S. No. 9) authorizing Hon. William L. Scruggs, United States minister at Bogota, to accept a present from the Queen of Great Britain.

IMPEACHMENT OF WILLIAM W. BELKNAP.

Mr. CLYMER. By direction of the Committee on Expenditures in the War Department, I ask unanimous consent to submit to the House a report from that committee of so grave a nature that I am quite certain, when it is heard, the House will agree that I am justified in asking that permission at this time.

No objection was made.

Mr. CLYMER. The committee of which I have the honor to be the chairman, not having had the services of a clerk to transcribe its proceedings and prepare this report, have instructed me to prepare it, which I have done. I am certain that no one of the clerks at the desk would be able to read it in its present form. I therefore ask the unwelcome privilege to be permitted to read it myself.

No objection was made.

Mr. CLYMER then went to the clerk's desk and read the report, as follows:

The Committee on Expenditures in the War Department would respectfully report:

That they found at the very threshold of their investigation such unquestioned evidence of the malfeasance in office by General William W. Belknap, then Secretary of War, that they find it to be their duty to lay the same before the House.

They further report that this day at eleven o'clock a. m. a letter of the President of the United States was presented to the committee accepting the resignation of the Secretary of War, which is hereto attached, together with a copy of his letter of resignation, which the President informs the committee was accepted about ten o'clock and twenty minutes this morning. They therefore unanimously report and demand that the said William W. Belknap, late Secretary of War, be dealt with according to the laws of the land, and to that end submit herewith the testimony in the case taken, together with the several statements and exhibits thereto attached, and also a rescript of the proceedings of the committee had during the investigation of this subject. And they submit the following resolutions, which they recommend shall be adopted:

Resolved, That William W. Belknap, late Secretary of War, be impeached of high crimes and misdemeanors while in office.

Resolved, That the testimony in the case of William W. Belknap, late Secretary of War, be referred to the Committee on the Judiciary, with instructions to prepare and report without unnecessary delay suitable articles of impeachment of said William W. Belknap, late Secretary of War.

Resolved, That a committee of five members of this House be appointed and instructed to proceed immediately to the bar of the Senate, and there impeach William W. Belknap, late Secretary of War, in the name of the House of Representatives and of all the people of the United States of America, of high crimes and misdemeanors while in office, and to inform that body that formal articles of impeachment will in due time be presented, and to request the Senate to take such order in the premises as they deem appropriate.

Mr. CLYMER. I ask the still further privilege of reading the evidence and the accompanying papers, exhibits, and statements in the case.

Mr. GARFIELD. The gentleman has a right to do so without asking permission of the House.

Mr. CLYMER then read the following :

EXTRACTS FROM THE PROCEEDINGS OF THE COMMITTEE.

TUESDAY MORNING, February 29, 1876.

The committee met. Present: Messrs. CLYMER, BLACKBURN, and ROBBINS. Mr. Marsh, a witness, being present, was duly sworn by the chairman, and was examined by the committee. (See evidence.)

Messrs. BLACKBURN, CLYMER, and ROBBINS submitted statements regarding an interview had by Mr. BLACKBURN with the wife of the Secretary of War, which were marked C, D, E, respectively, and were ordered to be made part of the evidence. Adjourned to meet to-morrow at eleven o'clock.

WEDNESDAY MORNING, March 1, 1876.

Committee met pursuant to adjournment. Present: Messrs. CLYMER, BLACKBURN, ROBBINS, BASS, and DANFORD.

The Secretary of War, having been notified of the meeting, appeared; whereupon the testimony of the witness, Caleb P. Marsh, taken yesterday, with the several exhibits therein referred to, were read by the chairman. The witness, C. P. Marsh, being also present, the Secretary of War desiring to cross-examine him and wishing time to employ counsel, the committee agreed that when it would adjourn it would be until three p. m. to-day. The chairman was directed to ask leave of the House for the committee to sit during the sessions thereof. Adjourned.

WEDNESDAY, March 1, 1876—3 p. m.

Committee met. All the members present. General Belknap appeared, accompanied by his counsel, Judge Blair.

The testimony, exhibits, and statements taken before the committee were fully read by the chairman for the information of Judge Blair, the Secretary having withdrawn; after which Judge Blair made a verbal proposition to the committee regarding the report which might be made to the House. Whereupon the committee adjourned to meet this evening at eight at the rooms of Mr. BASS, at 1129 Fourteenth street.

WEDNESDAY EVENING, March 1.

Committee met at the house of Mr. BASS at eight p. m., pursuant to adjournment.

The proposition of the Secretary, made at the afternoon session through Judge Blair, was fully discussed, and after mature deliberation was unanimously rejected.

The committee adjourned to meet to-morrow morning at 10.30 a. m.

THURSDAY, March 2, 1876.

Committee met at 10.30 a. m., pursuant to adjournment. Judge Blair appeared at eleven o'clock, and presented a letter dated March 2, 1876, signed by U. S. Grant, President of the United States, accepting the resignation of the Secretary of War. (Marked G.)

Dr. Tomlinson appeared, and presented a letter addressed to the chairman, to the contents of which he was duly sworn. (Marked H.)

The witness, Mr. Marsh, being present, was recalled by Mr. Blair, counsel for General Belknap, and was cross-examined. (See testimony.)

The committee authorized the chairman to draft a report in the case to the House, to be submitted to the committee. The committee on motion took a recess until 12.30 p. m.

The committee met pursuant to adjournment, 12.30. There were present the chairman and Messrs. ROBBINS and BLACKBURN.

The committee ordered the chairman to address a letter to the President forthwith, asking him for a copy of the letter of resignation of the late Secretary of War, and informing them at what time this day it was received. Whereupon Mr. CLYMER prepared the letter, which was submitted² to and approved of by the committee, and sent to the President by a messenger of the House, with orders to wait for a reply.

At one o'clock Messrs. BASS and DANFORD, members, appeared.

The committee having taken a recess for the purpose of considering the request of William W. Belknap, made by his counsel, Judge Blair, to be permitted to appear before the committee to make a sworn statement, it was determined that he should be heard. Whereupon Judge Blair was informed of the decision and requested to have General Belknap appear before the committee at three p. m. this afternoon, if he still desired to do so.

Committee met at three o'clock. Present, all the members.

W. W. Belknap having failed to appear, the chairman submitted the report to the committee; and, it having been unanimously approved, the chairman was ordered to make his report to the House forthwith.

TESTIMONY.

Mr. CALEB P. MARSH, one of the witnesses ordered to be subpoenaed by the committee, being present, was duly sworn according to law:

By the CHAIRMAN:

Question. Where do you reside?

Answer. I reside at No. 30 West Fifty-seventh street, New York; have resided in New York about eight years.

Q. Were you or not appointed or tendered an appointment as a post-trader, at Fort Sill, Indian Territory, in the fall of 1870, by the Secretary of War? If so, under what circumstances was said appointment secured to you? State also if you were commissioned by the Secretary as such post-trader, or, if not, who was so commissioned, and if any other person than yourself was so commissioned, give his name, the reasons why he was commissioned; if any agreement was made between you and the appointee, state it, or produce it, if in writing, and was such agreement made with the knowledge of the Secretary of War? And state the circumstances connected with the making of that agreement, and all the transactions in detail thereunder, fully and particularly as if you were specially interrogated in regard to the several transactions and so fully as to save the necessity of repeated interrogatories.

The WITNESS. In reply to your questions, I would state that in the summer of 1870 myself and wife spent some weeks at Long Branch, and on our return to New York, Mrs. Belknap and Mrs. Bower, by our invitation, came for a visit to our house. Mrs. Belknap was ill during this visit some three or four weeks, and I suppose in consequence of our kindness to her she fell under some obligations, for she asked me one day in the course of a conversation why I did not apply for a post-tradership on the frontier.

I asked what they were, and was told that they were, many of them, very lucrative offices or posts in the gift of the Secretary of War, and that if I wanted one she would ask the Secretary for one for me. Upon my replying that I thought such offices belonged to disabled soldiers, and besides that, I was without political influence, she answered that politicians got such places, &c. I do not remember saying that if I had a valuable post of that kind that I would remember her, but I do remember her saying something like this: "If I can prevail upon the Secretary of War to award you a post you must be careful to say nothing to him about presents, for a man once offered him \$10,000 for a tradership of this kind, and he told him that if he did not leave the office he would kick him down stairs." Remembering as I do this story, I presume the antecedent statement to be correct.

Mrs. Belknap and Mrs. Bower returned to Washington, and a few weeks thereafter Mrs. Belknap sent me word to come over. I did so. She then told me that the post-tradership at Fort Sill was vacant; that it was a valuable post, as she understood, and that she had either asked for it for me or had prevailed upon the Secretary of War to agree to give it to me. At all events, I called upon the Secretary of War, and as near as I can remember made application for this post in a regular printed form. The Secretary said he would appoint me if I could bring proper recommendatory letters, and this I said I could do. Either Mrs. Belknap or the Secretary told me that the present trader at the post, John S. Evans, was an applicant for re-appointment, and that I had better see him, he being in the city, as it would not be fair to run him out of office without some notice, as he would lose largely on his buildings, merchandise, &c., if the office was taken from him, and that it would be proper and just for me to make some arrangement with him for their purchase, if I wished to run the post myself.

I saw Evans and found him alarmed at the prospect of losing the place. I remember that he said that a firm of western post-traders who claimed a good deal of influence with the Secretary of War had promised to have him appointed, but he found on coming to Washington this firm to be entirely without influence. Mr. Evans first proposed a partnership, which I declined, and then a bonus of a certain portion of the profits if I would allow him to hold the position and continue the business. We finally agreed upon \$15,000 per year. Mr. Evans and myself went on to New York together, where the contract was made and executed, which is herewith submitted. [Paper marked A.] During our trip over, however, Mr. Evans saw something in the Army and Navy Journal which led him to think that some of the troops were to be removed from the fort, and that he had offered too large a sum, and before the contract was drawn it was reduced by agreement to \$12,000, the same being payable quarterly in advance.

When the first remittance came to me, say probably in November, 1870, I sent one-half thereof to Mrs. Belknap, either, I presume, certificates of deposit or bank-notes by express. Being in Washington at a funeral some weeks after this, I had a conversation with Mrs. Bower to the following purport, as far as I can now remember, but must say that just here my memory is exceedingly indistinct, and I judge in part perhaps from what followed as to the details of the conversation. I went up-stairs in the nursery with Mrs. Bower to see the baby. I said to her: "This child will have money coming to it before a great while." She said "Yes. The mother gave the child to me and told me that the money coming from me she must take and keep for it." I said, "All right," and it seems to me I said that perhaps the father ought to be consulted. I say it seems so, and yet I can give no reason for it, for as far as I know the father knew nothing of any money transactions between the mother and myself.

I have a faint recollection of a remark of Mrs. Bower that if I sent the money to the father that it belonged to her, and she would get it anyway. I certainly had some understanding, then or subsequently, with her or him, for when the next payment came due and was paid, I sent the one-half thereof to the Secretary of War, and have continued substantially from that day forward to the present time to do the same. About, I should say, one and a half to two years after the commencement of these payments I reduced the amount to \$6,000 per annum. The reason of this reduction was partly because of the continued complaints on the part of Mr. Evans and his partner, and partly, so far as I now remember, in consequence of an article in the

newspapers about that time reflecting on the injustice done to soldiers at this fort caused by exorbitant charges made necessary on the part of the trader by reason of the payment of this bonus.

To the best of my knowledge and belief the above is a true statement of all the facts in the case and as complete as I can remember occurrences of so many years ago.

Q. State how the payments were made to the Secretary of War subsequent to the funeral of his then wife, which you attended in Washington in December, 1870; whether in cash, by check, draft, certificate of deposit, bonds, or by express, or otherwise.

A. The money was sent according to the instructions of the Secretary of War; sometimes in bank-notes by Adams Express; I think on one or more occasions by certificate of deposit on the National Bank of America in New York. Sometimes I have paid him in New York in person. Except the first payment in the fall of 1870, and the last in December, 1875, all were made to the Secretary in the modes I have stated, unless, perhaps, upon one or two occasions at his instance I bought a Government bond with the moneys in my hand arising from the contract with Evans, which I either sent or handed to him.

By Mr. BLACKBURN:

Q. Can you state the sum in the aggregate received by you under the contract with Evans; and what portion thereof have you paid to the Secretary of War, including the first and last payments, which you have stated were not paid to him?

A. I have no memorandum whatever on which to make answer. It is a very simple calculation. The first payment to me by Evans was made in the fall of 1870 at the rate of \$12,000 a year. He paid at that rate about a year and a half or two years, and since then at the rate of \$6,000 a year. It would aggregate about \$40,000, the one-half of which I have disposed of as above stated.

By the CHAIRMAN:

Q. Did you receive letters from the Secretary of War acknowledging the receipts of the sums forwarded to him in the manner you have stated; or did he acknowledge the receipt of the same in any way?

A. Usually when I sent money by express I would send him the receipt of the company, which he would either return marked "O. K." or otherwise acknowledge the receipt of the same. Sometimes I paid it to him in New York, when his receipt was necessary. I have not preserved any receipts or letters. When sent by express I always deposited the money personally and took a receipt from them.

Q. Have you at any time had any conversation with the Secretary of War regarding the post-tradership at Fort Sill or have you corresponded with him regarding the same?

A. O. frequently. I have forwarded requests to the Secretary made to me by Mr. Evans, wishing privileges about the fort, such as to sell liquor, &c. I do not remember what action was taken upon them; they were not returned to me. As far as I know, Evans corresponded regarding affairs at Fort Sill through me with the Secretary of War. I never heard of any other way.

Q. Was the contract between you and Evans ever the subject of conversation between you and the Secretary of War?

A. It never was, as I remember, save in one instance; but am not positive, yet it seems to me when the article in the newspapers regarding affairs at Fort Sill, probably in 1872, about the time the reduction was made in the payments from \$12,000 to \$6,000, appeared. The next time I saw the Secretary of War he asked me if I had a contract with Evans. I told him I had. I never showed it to him or any one else until I produced it here.

Q. After receiving the telegraphic subpoena from the Sergeant-at-Arms to appear before this committee, which was on Monday, the 21st of this month, did you come to Washington; and, if so, had you an interview with the Secretary of War, and when and where?

A. I came to Washington on Wednesday, the 23d of this month; I went to the house of the Secretary of War, staid Wednesday night, and returned on Thursday evening. I showed him the telegraphic subpoena, and asked him what it meant. He said he supposed it was to state before the committee what I knew about our transactions together. I said I did not like to appear, because I thought my testimony would be damaging to or would implicate him or give him trouble. He said he thought not, and advised me to stay and meet the committee. During that evening my conversation was chiefly with his wife, he being present part of the time and understanding the general tenor of our conversation. She suggested that I could make a statement which would satisfy the committee and exculpate the Secretary. She wanted me to go before the committee and represent that she and I had business transactions together for many years, and that all this money I had sent the Secretary was money that she had from time to time deposited with me as a kind of banker, and that she had instructed me to send it to the Secretary for her.

I dined there and spent the evening, and staid all night, retiring about twelve o'clock. The evening was devoted to discussing this matter. I told he that the statement would not hold water before the committee, and even if it would I could not make it. At the same time I was so wrought up and had such anxiety—she pressing and pressing me about it—and having slept little since the receipt of the subpoena, and sympathizing with their condition, I did not give them a positive answer that night. I went to bed at twelve o'clock, and I do not suppose I slept a wink. They said they would breakfast about nine o'clock. I came down about eight and met the Secretary alone. I told him I thought I had better leave and get out of the country, for I would not purger myself for any one; that I could afford to have my throat cut, but not to purger myself. He replied he did not wish me to do that, that we could fix it up some other way. I said "I think I had better leave the country." The Secretary said I would ruin him if I left. I said "If I go before the committee I will surely ruin you, for I will tell the truth." He was greatly excited. When I came down stairs to leave, he followed me and asked me into the parlor, and said, "I want to make a last appeal to you to stay longer." He said if I went he would be ruined. I said I would ruin him if I went before the committee, and I left and took the limited express to New York.

On reaching home I consulted my attorney, asking him if the committee could reach me by subpoena if I left the country. I stated the case to him, (Mr. Bartlett, 120 Broadway, Equitable building.) He asked if I was subpoenaed. I told him I had a telegraphic dispatch calling me to Washington. He said that if a subpoena had been duly served they could give me considerable trouble, but that on a telegraphic message they could not reach me if I was out of the country. I asked him how long I would have to stay. He said if the committee had leave to sit during the recess I could not come back until the present Congress expired. I then went home and found there a dispatch from Dr. William Tomlinson, the brother-in-law of the Secretary. Its purport was not to leave; that he had good news; that he was coming over. I determined not to be governed by it; that I was going; that they only wished to fix up some new story, but that I would not be a party to it. My trunk was being packed to leave.

At about midnight, Thursday, February 24, Dr. Tomlinson arrived at my house. He said he had seen Mr. Black—Blackburn—he is a cousin of mine—who said he thought if I would write a letter something like the one which he, (Tomlinson) would suggest, that there would be no further investigation; and if there was, they would ask no questions it would be difficult for me to answer, and that Mr. BLACKBURN said he thought that if the committee still wanted to examine me they would appoint a subcommittee and come over to New York to do so.

He came to my bed-room, and I told him to go into the sitting-room and draw the sketch of the proposed letter, and that when dressed I would join him, and I would write such a letter as he wanted, if I could. I wrote the letter from the

sketch of Tomlinson; the endeavor was to exculpate the Secretary; there was nothing in it untrue to the best of my recollection, but it did not state the whole truth; it was a very short letter. He took it with the contract inclosed. He said he would take the letter and contract to Mr. BLACKBURN, who would show it to the committee, and that would be the end of it. He left my house at two o'clock Friday morning. At midnight Friday night I was roused up, and had the subpoena of the committee served on me.

Saturday morning about eight o'clock Dr. Tomlinson again appeared. He said he had been to Washington. He wanted to know the first thing if I had been subpoenaed. I told him I had. He began talking the whole thing over again, still wanting me to say before the committee what was suggested at the Secretary's. (At the interview on Thursday night he wanted me to telegraph to the committee, before which I had been subpoenaed by telegraph to appear the next morning—Friday—that my wife was sick and that I could not attend. My wife being sick, I consented and did so telegraph.) Recurring to the interview again on Saturday morning, I said I could not make the statement he desired. He said he had seen Mr. BLACKBURN in the interval, and had shown him the letter of Thursday night. He then returned it and the contract to me. I said, "Dr. Tomlinson, I have thought of this thing so much it has nearly made me crazy. I am not going to talk about it any more. We will go down to my lawyer and consult him about it." My object being to have a lawyer to tell him how ridiculous the story he wanted me to tell would appear before the committee.

We went down and called on Mr. Bartlett, and I told him the whole truth in the presence of Dr. Tomlinson. Bartlett said I could not manufacture any story if I wanted, and must not if I could. Dr. Tomlinson still insisted that if I could swear that General Belknap knew nothing of the arrangement with his sister, Mrs. Belknap, deceased, and if I could swear that at the time I was at her funeral I made an arrangement with Mrs. Bower, the present Mrs. Belknap, by which I was to send her all this money through the Secretary, the whole thing could still be settled. I replied, "I cannot state it, for it is not true;" my impression then being that at that funeral I had said something about the matter to General Belknap. Tomlinson said, "If you cannot swear to that, you had better leave the country." Mr. Bartlett said, "This is a bad business; it is not a legal question you have submitted to us; and in the position of affairs the Secretary of War should decide if you should go to Washington or leave the country." Dr. Tomlinson said he would return to Washington; he prepared two formulas of telegrams which I would understand.

One was, "I hope your wife is well" was to be interpreted to leave the country.

The other was, "I hope your wife is better," which meant "come to Washington."

We then parted. On going home in the street-cars, thinking the whole thing over about the conversation at the time of the funeral, I made up my mind that, although I had stated to Mr. Bartlett that I thought I had had some conversation at the time of the funeral with the Secretary of War about sending this money, yet I was so undecided about it that I was certainly willing to give the Secretary the benefit of the doubt. I thought I would see Tomlinson and tell him. We parted at one o'clock. He was to leave for Washington at three o'clock. I went to the depot and met him, and told him that on thinking over the matter I was so undecided about the conversation with the Secretary at the time of the funeral that I would give him the benefit of the doubt. He said, "I am very glad to hear this, because my sister, Mrs. Belknap, said this was the fact."

That Saturday evening I got a telegraphic dispatch from Mrs. Belknap which said: "Come to Washington to-night; it is necessary." I received it in the evening. Next morning (last Sunday) I received a dispatch from Dr. Tomlinson, "I hope your wife is better," which, according to our agreement, meant "come to Washington." In the afternoon I got a second dispatch from Dr. Tomlinson, as follows: "Come without fail. Answer." I answered: "I shall come to-night, without fail." I was very glad not to have to leave the country, the conviction having grown on my mind that it would do no good. I reached Washington yesterday morning at 6:30, and stopped at the Arlington, my wife being with me. Was shown to a temporary room at about seven o'clock. I laid down, being greatly fatigued, and at about eight o'clock Dr. Tomlinson called me to the door of the room. He said he had seen BLACKBURN, and that he still thought this matter could be fixed up without any trouble. He asked me if I had the letter I had written to the committee on Thursday night. I said, "I had not." He said, "BLACKBURN says you had better write another of the same purport and send it up to the committee, with a note explaining why it did not come sooner." I did so. [The note and letter are marked B and C.]

Shortly before two o'clock p. m. yesterday I came to the Capitol to meet the committee, and Dr. Tomlinson found me in the corridor near the committee-room door. He said: "You are going before the committee, and I want you to remember that there was no arrangement with you and the Secretary of War at the time of the funeral, and that the money you have always paid to General Belknap was for Mrs. Belknap, and by her directions." I told him I was going before the committee to tell the whole story, as far as I could recollect it. I said I had thought of leaving the country, but was overruled; and that now I shall tell the truth, and the whole truth, and nothing but the truth. He said, "I don't want you to tell any lies; I only want you to tell the truth, and that is the truth." I said the truth I shall certainly tell, and if it does not hurt General Belknap, no one will be more rejoiced than myself.

I entered the committee-room at about two o'clock yesterday, and without being sworn I made a statement to certain members of the committee of the facts in the case—more briefly, but substantially as I have now answered in reply to your chief interrogatory.

When I returned to the hotel yesterday afternoon, Dr. Tomlinson was waiting at my room at the Arlington to see me. He asked how I got along before the committee. I told him I had told the story from beginning to end, and that at the request of the gentlemen present I was going to reduce it to writing, and appear before the committee to-day at 10:30 with it. He wanted to know how I had stated the fact that all these payments to the Secretary had been made in consequence of the original agreement made with Mrs. Belknap. I said I had stated the facts as they were, according to my best recollection and belief. I told him I would furnish him a copy of the statement I would make before the committee.

I prepared the statement last night, and gave him a copy of it about eight o'clock this morning—being substantially a copy of that I submitted as an answer to your chief interrogatory, save that I have filled up the blanks. Dr. Tomlinson came back to my room at about 7:30 last evening, and I asked him whether he had seen Mr. BLACKBURN since I had made my statement in the afternoon, and what impression it had made upon the gentlemen who heard it. He said he did not like to say he had seen Mr. BLACKBURN, but he said he had seen one of the committee, who expressed the opinion that my statement would involve the Secretary. He then made a stronger appeal to me than ever before, saying that I was the friend of the Secretary; that if this thing came out it would ruin him; that his wife was in great distress about it, and he himself, as her brother and friend of the family, was in great trouble, and that if I could state—. I said, "Stop, Dr. Tomlinson; I have about finished my written statement, and I will read it to you." I then read it to him. He said he did not see but that it was all right; that things could be explained yet, if they could prove that this money was originally sent to General Belknap by Mrs. Belknap's order. General Belknap would be subpoenaed and would prove to the committee that Mrs. Belknap's estate is entirely separate from his, and that this money received through me he had always kept distinct from his and for her.

Q. Did you ever have any business relations of any kind or nature whatever with the late Mrs. Belknap, or the present Mrs. Belknap, or either of them, other than

those arising from this Fort Sill tradership? Have you now, or have you ever had, any sum or sums of money, or any evidences of indebtedness or securities of any sort or description whatever, belonging to either of them; or have you at any time been indebted to either of them in any way, manner, form, or description?

A. Never. The present Mrs. Belknap, years ago, may have consulted me on business matters; but there was no monetary transaction whatever between us other than I have heretofore stated.

Q. When was the baby of the late Mrs. Belknap born and when did it die?

A. The baby of the late Mrs. Belknap was born in the autumn of 1870; died during the summer of 1871.

By Mr. ROBBINS:

Q. In the conversation had with the present Mrs. Belknap, at the funeral of her sister, in December, 1870, or in any other conversation had with her or any other person at any time, was it the understanding that the money you were to pay and were paying was to be the money of Mrs. Belknap, the present wife of the Secretary of War?

A. It was not.

The foregoing deposition and statement, made under oath, having been carefully read over in full to Mr. Caleb P. Marsh, the witness, in the presence of the committee, and he having made such alterations and corrections therein as he deemed just, he assents to it as a correct record of his testimony, and attests the same by his signature hereto attached.

CALEB P. MARSH.

WASHINGTON, February 29, 1876.

Mr. BLACKBURN submitted a statement regarding his interview with the wife of the Secretary of War in the presence of Dr. Tomlinson, marked D. Mr. CLYMER and Mr. ROBBINS also submitted statements relative thereto, marked, respectively, E and F.

THURSDAY MORNING, March 2, 1876.

The witness C. P. Marsh, being recalled, was cross-examined by Judge Blair.

By Judge BLAIR:

Question. In your examination-in-chief you say that Secretary Belknap remonstrated against your going away without appearing before the committee; did the Secretary, in desiring you to go before the committee to testify, ask you to testify to any untruth?

Answer. I certainly don't think he did.

C. P. MARSH.

A.

Articles of agreement between John S. Evans and Caleb P. Marsh.

Articles of agreement made and entered into this 8th day of October, in the year of our Lord 1870, by and between John S. Evans, of Fort Sill, Indian Territory, United States of America, of the first part, and Caleb P. Marsh, of No. 51 West Thirty-fifth street, of the city, county, and State of New York, of the second part, witnesseth, namely:

Whereas the said Caleb P. Marsh has received from General William W. Belknap, Secretary of War of the United States, the appointment of post-trader at Fort Sill aforesaid; and whereas the name of said John S. Evans is to be filled into the commission of appointment of said post-trader at Fort Sill aforesaid by permission, and at the instance and request of said Caleb P. Marsh, and for the purpose of carrying out the terms of this agreement; and whereas said John S. Evans is to hold said position of post-trader as aforesaid solely as the appointee of said Caleb P. Marsh, and for the purposes hereinafter stated:

Now, therefore, said John S. Evans, in consideration of said appointment and the sum of \$1 to him in hand paid by said Caleb P. Marsh, the receipt of which is hereby acknowledged, hereby covenants and agrees to pay to said Caleb P. Marsh the sum of \$12,000 annually, payable quarterly in advance, in the city of New York aforesaid. Said sum to be so payable during the first year of this agreement absolutely, and under all circumstances, anything hereinafter contained to the contrary notwithstanding; and thereafter said sum shall be so payable, unless increased or reduced in amount in accordance with the subsequent provisions of this agreement.

In consideration of the premises, it is mutually agreed between the parties aforesaid as follows, namely:

First. This agreement is made on the basis of seven cavalry companies of the United States Army, which are now stationed at Fort Sill aforesaid.

Second. If at the end of the first year of this agreement the forces of the United States Army stationed at Fort Sill aforesaid shall be increased or diminished not to exceed one hundred men, then this agreement shall remain in full force and unchanged for the next year. If, however, the said forces shall be increased or diminished beyond the number of one hundred men, then the amount to be paid under this agreement by said John S. Evans to said Caleb P. Marsh shall be increased or reduced in accordance therewith and in proper proportion thereto.

The above rule laid down for the construction of this agreement at the close of the first year thereof shall be applied at the close of each succeeding year so long as said agreement shall remain in force and effect.

Third. This agreement shall remain in force and effect so long as said Caleb P. Marsh shall hold or control, directly or indirectly, the appointment and position of post-trader at Fort Sill aforesaid.

Fourth. This agreement shall take effect from the date and day the Secretary of War aforesaid shall sign the commission of post-trader at Fort Sill aforesaid; said commission to be issued to said John S. Evans at the instance and request of said Caleb P. Marsh, and solely for the purpose of carrying out the provisions of this agreement.

Fifth. Exception is hereby made in regard to the first quarterly payment under this agreement, it being agreed and understood that the same may be paid at any time within the next thirty days after the said Secretary of War shall sign the aforesaid commission of post-trader at Fort Sill.

Sixth. Said Caleb P. Marsh is at all times, at the request of said John S. Evans, to use any proper influence he may have with said Secretary of War for the protection of said John S. Evans while in the discharge of his legitimate duties in the conduct of the business as post-trader at Fort Sill aforesaid.

Seventh. Said John S. Evans is to conduct the said business of post-trader at Fort Sill aforesaid solely on his own responsibility and in his own name; it being expressly agreed and understood that said Caleb P. Marsh shall assume no liability in the premises whatever.

Eighth. And it is expressly understood and agreed that the stipulations and covenants aforesaid are to apply to and to bind the heirs, executors, and administrators of the respective parties.

In witness whereof the parties to these presents have hereunto set their hands and seals the day and year first above written.

J. S. EVANS. [SEAL.]
C. P. MARSH. [SEAL.]

Signed, sealed, and delivered in presence of—

E. T. BARTLETT.

B.

NEW YORK, February 25, 1876.

DEAR SIRS: I duly received your telegram of March 21, summoning me to appear before you, and answered that I would do so; but my wife has since become so ill as to make it almost impossible for me to leave her for any time, and I to-

day send you a telegram to this effect, and will also give a statement of my connection with the post-tradership at Fort Sill, which will, I trust, avoid the necessity of my leaving home. I will, however, come as soon as I can, or will be happy to see any one or all of the committee at my house in this city.

At the time I applied for the position of post-trader at Fort Sill I presumed that I could furnish recommendations that would secure me the appointment which was afterward promised me. After this I saw Mr. Evans in Washington, and made an arrangement with him, in consequence of which I withdrew in his favor, and he received the appointment.

This arrangement was made without the advice or consent of the Secretary of War, neither did he have any knowledge of such an arrangement from me or any one else, so far as I know, nor was he interested in any such arrangement or the fruits of any arrangement between us.

There never has been, nor is there now, any contract, agreement, or arrangement between the Secretary of War and myself in regard to these matters.

I am, very sincerely, your obedient servant,

C. P. MARSH.

The honorable the COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT.

C.

ARLINGTON HOTEL,
Washington, February 28, 1876.

DEAR SIRS: I herewith inclose copy of letter which I wrote you from New York, but not having mailed it when I received your subpoena concluded not to send it. This morning, however, I have thought best to send it to you, in the hope that it may tend to shorten the time of my examination.

Very respectfully, your obedient servant,

C. P. MARSH.

P. S. I will bring the contract you inquire for.

The COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT,
Capitol.

D.

Statement of Mr. Blackburn.

After the foregoing deposition was taken, Mr. BLACKBURN said: Without desiring to express any opinion as to the accuracy of the conversations detailed by Mr. Marsh as having occurred between Dr. Tomlinson and himself, relative to any remarks made by me, I think it best to submit to the committee the following statement of facts, of which my democratic colleagues of the committee were promptly advised:

On the morning of the 24th of February, 1876, (Thursday,) about ten o'clock, Dr. William Tomlinson called at my rooms and asked me to go with him to attend to some business, without stating what it was, to which I assented. He proceeded to the residence of General Belknap, and upon arriving there he said that his sister, Mrs. Belknap, desired to see me. I requested his presence at the interview, to which he assented, and he was present during the whole time. In this interview Mrs. Belknap said that the testimony of one Caleb P. Marsh, before the Committee on Expenditures in the War Department, would tend to implicate herself in matters that would occasion criticism, but would utterly fail to show any complicity upon the part of General Belknap in the matter of the Fort Sill tradership, and she asked that she might not be made the subject of investigation.

Where the testimony did not tend to involve the Secretary of War, I said to Mrs. Belknap that I felt assured no member of the committee would desire to prosecute the inquiry further than to ascertain that neither the Secretary of War nor any subordinate of that Department was involved. I said to her further that I would communicate the facts as stated by her to Messrs. CLYMER and ROBBINS, of the committee, and would state to them the assurance I had given her. This I did immediately do within an hour after the interview referred to occurred, stating fully to those gentlemen all that had taken place; whereupon both these gentlemen approved what I had said and done, and thoroughly concurred with me in the purpose of prosecuting no investigation that did not promise or tend to implicate or involve the Secretary of War or his subordinate officials. This is the only assurance ever given or conversation had by me upon this subject either with Mrs. Belknap, Dr. Tomlinson, or with any other person whatever at any time, nor am I related or connected, either by blood or by marriage in any degree, either to General Belknap or his wife or Dr. Tomlinson.

E.

Statement of Mr. Clymer regarding Mr. Blackburn.

Mr. CLYMER stated that on Thursday morning, the 24th day of February instant, before the House met, Mr. BLACKBURN requested him to accompany him to the room of the committee, when and where he stated that he had just had an interview with the wife of the Secretary of War, at her instance, in the presence of Dr. Tomlinson, her brother; and that he narrated to him the conversation between them at the interview, which was in substance as he has stated it. Later in the day, immediately after the House adjourned, Mr. ROBBINS and myself, at his request, came to the committee-room, where Mr. BLACKBURN again repeated the substance of the interview; whereupon he was assured by Mr. ROBBINS and myself that we concurred with him as to the objects of the pending investigation, and that he was justified in giving the assurance that no investigation would be made which did not tend to reach the Secretary of War or some of his subordinates.

F.

Statement of Mr. Robbins.

Mr. ROBBINS deems it sufficient for him to say simply that on Thursday, the 24th instant, Mr. BLACKBURN communicated to Mr. CLYMER and himself the fact that on that morning the wife of the Secretary of War had very unexpectedly sought an interview with him, and that such interview had taken place. He recounted to us what had passed at that interview, and he has embodied the same in a statement which accompanies the report, which statement accurately recites the matter as he communicated it to us.

The statement made by Mr. CLYMER, chairman of the committee, in reference to Mr. BLACKBURN's communication to us concerning that interview and our opinions and decisions thereupon is in all respects accurate. We all concurred in the idea that it would be our duty to push every investigation which tended to throw light upon the official conduct of the Secretary of War and his subordinates of that Department, however painful might be the performance of such duty; but if we at any time discovered evidence which involved only unofficial men, and especially ladies, we should not feel bound to prosecute any inquiry which we knew could have no other result than that, for our investigations had nothing to do with private individuals, but only with officials.

G.

Acceptance of resignation.

EXECUTIVE MANSION, Washington, March 2.

DEAR SIR: Your tender of resignation as Secretary of War, with the request to have it accepted immediately, is received, and the same is hereby accepted with great regret.

Yours, &c.,

U. S. GRANT.

H.

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 2, 1876.

SIR: I have been informed that my name has been mentioned in connection with the recent charges against the Secretary of War; first, that I attempted to induce the witness, C. P. Marsh, to swear falsely; and that Hon. J. C. S. BLACKBURN, a member of your committee, was a relative, and would suppress the whole matter. What I desire to state is that each of the above statements is *utterly* and *entirely* false.

Very respectfully,

WM. M. TOMLINSON.

I demand, in justice to myself as well as to Hon. J. C. S. BLACKBURN, a personal explanation.

W. M. T.

Hon. HIESTER CLYMER,

Chairman of Committee of Expenditures of War Department.

William M. Tomlinson deposes and says that the foregoing statement is just and true to the best of his knowledge and belief.

WILLIAM M. TOMLINSON,

Sworn and subscribed before me this 2d March, 1876.

HIESTER CLYMER, *Chairman.*

I.

WASHINGTON, D. C., March 2, 1876.

MR. PRESIDENT: I hereby tender my resignation as Secretary of War, and request its immediate acceptance.

Thanking you for your constant and continued kindness,

I am, respectfully and truly, yours,

WM. W. BELKNAP.

A true copy:

F. D. GRANT.

K.

EXECUTIVE MANSION,
Washington, March 2, 1876.

SIR: In reply to your note of inquiry of to-day's date the President desires me to say that the hour of the acceptance of the resignation of Hon. W. W. Belknap as Secretary of War was about 10:20 o'clock this morning. A copy of the letter of resignation is herewith inclosed.

I am, sir, your obedient servant,

C. C. SNIFFEN,

Secretary.

Hon. HIESTER CLYMER,

*Chairman Committee on Expenditures in the War Department,
House of Representatives, present.*

Mr. CLYMER. Mr. Speaker, I would not if I could, and in my present condition I could not if I would, add anything to the statement of facts which has just been reported to the House. Another occasion may be afforded me to do so. The facts are so clear, so plain, that everywhere throughout this broad land, and throughout Christendom wherever the English language is read or spoken, they will for long years constitute a record of official corruption and crimes such as has no parallel in our own history, or, so far as I know, that of any other country. And if, in this hour, one sentiment of pity, one word of sympathy, could find utterance from me, it would be because I feel that the late Secretary of War is but the proper outgrowth, the true exponent of the corruption, the extravagance, the misgovernment which have cursed this land for years past. And that being my own reflection, I will discharge my duty best to myself, and I trust to this House, by demanding the previous question upon the adoption of the resolutions.

Mr. KASSON. I beg that my friend from Pennsylvania [Mr. CLYMER] will give an opportunity for a moment's suggestion before asking the previous question on a matter of this great importance.

Mr. CLYMER. I regret that I cannot oblige my friend—[several MEMBERS: "O, yes!"]—and for a reason which he will recognize as just when I have stated that I desire my colleagues upon the committee to be heard before any other members of the House. Therefore, sir, I demand the previous question.

Mr. KASSON. The gentleman will allow me to say that there is not the slightest opposition to their all being heard.

Mr. CLYMER. Mr. Speaker, I decline to yield. I demand the previous question.

Mr. COX. I call for the reading of the resolutions again.

The resolutions reported by the committee were again read.

Mr. CLYMER. I now renew my demand for the previous question.

Mr. KASSON. I wish to make an appeal to the gentleman from Pennsylvania by asking him whether he expects this House to-night after five o'clock and after the adjournment of the Senate, and without the printing of the resolutions and the evidence upon which they are based, to vote upon a question of this nature, when even the impeachability of the officer at present is a point to be considered by the House. However guilty may be the officer arraigned, (and no man has been more pained than myself by this development,) does the gentleman think it right to prevent one word being said by way of obtaining more complete information?

Mr. CLYMER. I will say to my friend from Iowa that if the demand for the previous question be seconded, I will give one-half of the hour to which I shall be entitled to my friends on the committee on the opposite side of the House, to dispose of as they choose.

Mr. KASSON. The committee, it is said, is unanimous in this report; and therefore, if there is no opposition, if this is all a proper proceeding, the only question is—

Mr. CLYMER. I do not yield to the gentleman.

Mr. BASS. Being a member of the committee, I would like to ask a question of the gentleman from Pennsylvania, if he will permit me.

Mr. CLYMER. Certainly.

Mr. BASS. As I understood, the intention was that members of the committee on this side should be entitled to be heard.

Mr. CLYMER. Yes, sir.

Mr. BASS. But the gentleman having one hour only, I understand him now to give away one-half of it.

Mr. CLYMER. I propose to give one-half hour to the gentleman from New York [Mr. BASS] and the gentleman from Ohio, [Mr. DANFORD,] that they may dispose of it as they wish.

Mr. BASS. If the gentleman has but an hour, how can he give away half an hour and still leave us the time it has been agreed we shall occupy?

Mr. CLYMER. I do not propose, if the gentleman from New York will understand—I do not propose to occupy one minute of that hour myself.

Mr. BASS. Then I do not understand the chairman of the committee to take away the half hour to which the members of the committee on this side of the House are entitled.

Mr. CLYMER. Certainly not; and the gentleman can dispose of his time as he may desire.

Mr. BASS. As I understand the chairman, he proposes to give one-half hour of his own time to the members on his side of the House, but not of our time. We propose—

Mr. CLYMER. If you do not desire it, say so. It is a mere matter of volition on your part to take it or not.

Mr. BASS. I desire to say—

Mr. CLYMER. Will my friend from New York permit me, in order that there may be no misunderstanding about this matter. I propose that the hour which under the rules belongs to me shall be divided, one-half to be given to the gentleman from New York and his colleague on the committee on that side of the House and the other half hour to the members on this side. The half hour to be given the other side may be apportioned among other members if the gentleman and his colleague so choose or it may all be occupied by themselves.

Mr. BASS. That is what I asked, whether I understood the gentleman to give an additional half hour to the gentleman from Iowa, which could only be done by taking away our half hour.

Mr. CLYMER. I propose no such thing. I demand the previous question, and decline to be further interrupted.

Mr. HOAR. Does the gentleman consider this a political question?

Mr. RANDALL. This report is unanimous; it is not political.

Mr. CLYMER. I demand a vote on the seconding of the previous question.

The previous question was seconded.

Mr. CLYMER. I now yield to the gentleman from North Carolina, [Mr. ROBBINS,] who is a member of the committee. I ask what time he desires?

Mr. ROBBINS, of North Carolina. Not more than the fifteen minutes allotted to me.

Mr. ROBBINS, of North Carolina, took the floor.

Mr. WADDELL. This disorder is disreputable to the House, and I hope some order will be preserved while my colleague addresses the House on this solemn occasion.

The SPEAKER. The Chair is resolved that this solemn business shall not proceed in such disgraceful disorder, and he therefore appeals respectfully and personally to every member upon this floor to aid him in restoring and maintaining order. It does not become us to attempt to proceed under such circumstances.

Order was restored.

Mr. ROBBINS, of North Carolina. Mr. Speaker, it is my purpose to occupy but a very few minutes of time. I have been so wearied with the physical labor and the mental strain of this investigation day and night for several days that I am in no condition to make a speech in regard to it, and I do not think any member of the American Congress has it in his heart to wish to say very much about this great shame. It is one of those things which we need not take pains to spread before the inquiring and censorious world to the common disgrace of all American citizens, but, if duty permitted, might rather veil it as a reproach to the American name. We of the committee have expressed our ideas in the report and resolutions unanimously submitted by us. Those resolutions, Mr. Speaker, I hope will be adopted unanimously.

It has been intimated that a question arises as to whether they are in order, and whether it is proper to impeach an officer who has resigned. I have not had time to look up the authorities, and am not prepared to speak to that question worthily except to say this, that it certainly cannot be true that an officer who is being investigated and who has been found by the evidence to be a criminal against the laws of the land can flee from justice by any act of his own.

The results of an impeachment, Mr. Speaker, are twofold: One is to remove from office and the other is to disqualify from holding office hereafter. The removal from office is accomplished by the resignation but the other portion of the penalty remains uninflicted. Certainly it is within the power of the Senate sitting as a court of impeachment to impose that penalty, and the officer cannot escape it by hasty resignation, which is virtually a flight from justice. I shall not attempt to fitly characterize the manner in which that flight has been in this instance facilitated by the hasty acceptance of his resignation at such an untimely hour and at the last stage of the investi-

gation. It is not necessary to dwell on that. It goes before the country. I would call the attention of the House to the cases of Warren Hastings and of Lord Francis Bacon, of whom the former was impeached and the latter received sentence, if I mistake not, after they had respectively ceased to hold the offices in which they had committed the crimes and misdemeanors for which they were impeached. And in the proceedings against Warren Hastings, if I am not mistaken, he is described in the articles of impeachment as the “late governor-general” of India. So that these great and remarkable precedents under English jurisprudence sustain the position which is so consonant with reason, that, when a man is found in office corrupt, dishonest, and especially as we have jurisdiction of him by investigation already begun, he cannot deprive us of that jurisdiction by attempting to flee and shelter himself under a resignation. That is the common sense of the case. That, I think, is the law of the case. That is the reason of the case. And that is the view which should be followed in justice to the people we represent.

This is no time to allow easy escapes of men who are found guilty of these high crimes. There is that degree—I do not speak as a politician and will not do so in this case—there is that degree of corruption pervading the public service generally, there is that degree of suspicion attaching to officials in all of their actions in these disordered times, that it is not proper, it is not right, that there should be any shelter here. This case should be probed to the bottom, tried by the highest court known to the country, and a just penalty meted out.

Sir, it is time that the officers of this country should learn that the Government was not made for the officers, but for the people. They ought to be made to feel that they are the servants, and not the masters, of the sovereign people of America; and that, when this great people finds itself shamed and disgraced and outraged by such conduct as has appeared here, an officer guilty of such conduct should be brought to the bar of the high court of impeachment, and there tried in the name of the people and an adequate penalty inflicted, that the officers of this country may learn that when they commit crimes the arm of the people can reach them and punish them however they may attempt to hide themselves away.

Let us, if American precedents are not clear on this question, make a precedent which shall be clear to those who shall come after us. In this extraordinary case let us make a notable example and do what in us lies to stem the tide of official peculation and plundering and malfeasance which deluges the land, sapping the very foundations of our liberty, bringing disrepute upon popular institutions and almost making a mock of all faith in human integrity.

Mr. CLYMER. I now yield fifteen minutes to my colleague on the committee, the gentleman from New York, [Mr. BASS.]

Mr. BASS. I have no desire, and I certainly have no ability in my present condition of health, to detain this House by any extended remarks upon this subject. I can only say that it is one so grave that it appalls every American citizen.

I regret to have heard the statement that this peculiar instance of official corruption was the outgrowth in any way of our institutions. And I regret to have heard the statement that this instance of official corruption had no parallel either in this land or in any other. We should not have to go far, sir, and I think we would not have to leave our own borders to find not only its parallel, but to find one compared with which this is almost as white as the driven snow.

But, sir, no man upon this floor can defend or in anywise extenuate the offense which has been disclosed by the testimony which has been laid before the House to-day. There is no apology for it, there is no excuse for it, there is no justification for it before the American people. The sale of office, the sale of a place, the sale of a contract under the laws of the United States by an officer thereof is not only an offense which strikes us as citizens as being one which should receive our earnest condemnation, but this Congress and this House of Representatives heretofore have had occasion to place upon the statute-book a denunciation of this offense. And it is already by the laws of the land not only made a crime punishable in our courts, but in this case, the offense having been committed by a high officer of the Government, it is punishable also by impeachment.

I have not time to review the testimony, but in brief I can only say that it seemed to the committee—and about this there was no disagreement—that there was no substantial doubt of the truthfulness of the statement made by the witness Marsh. That is in effect that in the year 1870 an arrangement was made by which the Secretary of War, or some member of his family, was to receive a sum equal to about the half of \$12,000 per year for bestowing upon a man named Evans, through the witness Marsh, the office of post-trader at Fort Sill; that that contract was continued in existence for a period of a year and a half or two years; that then, there being some complaints with reference to the ill-treatment of the soldiers—which might be expected from the sale of this place and the high bonus paid as the price for obtaining the contract—complaints being made, the bonus was reduced to the half of the sum of \$6,000 annually; and from that time down to this very day that contract has been in full force and effect, and the money, according to the testimony, has been remitted quarterly in one form or another to this high officer of the Government as a compensation for his action in continuing Evans in the position of post-trader.

Now, sir, a statement of this case as it appears baldly upon this

testimony is sufficient to justify the vote of every member of this House for the resolutions which have been presented by this committee.

Mr. LAMAR. Will it interrupt the gentleman for me to make an inquiry?

Mr. BASS. I think not, if I have time enough left.

Mr. LAMAR. It is simply as to the question whether the resignation of the officer divests this body of the power to present articles of impeachment, and whether the gentleman's attention has been directed to that point?

Mr. BASS. I was about to say a few words on that question after I had said one or two more things on the facts of the case. I have already called the attention of the House to the fact, admitting that these are the facts, that this offense has already been denounced by law in the statute-book as a crime liable to be punished by imprisonment; also that it is a high crime and misdemeanor for which we are entitled to impeach.

Now this question is a very important one, whether the House of Representatives, which has the sole power of impeachment under the Constitution, has jurisdiction to impeach, as General Belknap is no longer Secretary of War, whether it has jurisdiction to frame and to present to the Senate of the United States, for trial, articles of impeachment against him. The members of the committee have individually examined that question to some extent. I think it has been done more extensively by the gentleman last on the floor, [Mr. ROBBINS, of North Carolina,] but I have become convinced that we have the power, although, so far as I am concerned, I was not able to find direct authority in America; yet English authorities seem to maintain that we have that jurisdiction. That is, however, a jurisdictional question. We are sitting as a grand jury, and as it is a jurisdictional question, leave the officer to plead it before the tribunal which is to try him, and if they decide in his favor then well and good. There is perhaps a doubt upon the question. I would not say that it is entirely free from doubt. It is not entirely free from doubt. But my own judgment is that that provision of the Constitution which says that the officer impeached shall not only be removed from office, but be disqualified from holding any office of honor, trust, or emolument under the United States Government, can be accomplished in no other way except by his impeachment. When an officer finds that he is to be impeached, on the very day the articles of impeachment are to be presented can he evade the consequences of his guilt and shield himself from the vengeance of the law by sending in his resignation? So that I say under the circumstances of this case, if there is doubt about this matter, we, sitting as a grand jury to present articles of impeachment, should put him on trial and let the tribunal that tries him decide the question of jurisdiction. The very section of the Statutes at Large to which I have alluded provides that an officer convicted by a judicial tribunal of an offense like this shall be forever disqualified from holding office; but gentlemen will bear in mind that any man convicted before a court may be pardoned, but, if he be convicted by the Senate sitting as a court of impeachment, he is beyond the power of pardon, and his disability continues forever.

With these views upon the question, and having no doubt as to the facts found by the committee, and the burden of my convictions being that this body has power to present articles of impeachment in a case like this, I think we ought to present them, and leave the question of jurisdiction to be decided by the tribunal before which he is to be tried.

I now yield the remainder of my time to the gentleman from Massachusetts, [Mr. HOAR.]

The SPEAKER. The gentleman from Massachusetts is entitled to the floor for five minutes.

Mr. HOAR. The division of this hour, the committee being unanimous in one opinion, both republicans and democrats, seems to me to imply the opinion on the part of the chairman of the committee that it is in some way a political question. I utterly disclaim and repudiate such an idea. No person can be more desirous to punish any public officer found guilty of a crime like this charged upon the late Secretary of War than the republican members of the House. I wish simply to call attention to one matter. The gentleman from North Carolina [Mr. ROBBINS] alluded to the fact of the hasty acceptance of this resignation. This House solemnly determined in the case of Whitemore that the formal act of resignation by the officer terminates the office, and that any American citizen can lay down an office held by him without the consent or acceptance of anybody whatever; it is a mere formal matter.

Now, the gentleman from New York [Mr. BASS] says he has not investigated the question whether after the civil office has terminated the officer can be impeached, but he thinks that the gentleman from North Carolina, [Mr. ROBBINS,] who said he had not looked at the authorities, as I understood him, has investigated it more than any other member of the committee. Now, Judge Story, after full discussion, lays down the doctrine that it cannot be done. In England any citizen can be impeached, and therefore the English case of Warren Hastings does not apply. In America no man can be impeached but a civil officer, and when he ceases to be a civil officer he ceases to be within the literal construction of the Constitution. In America the only judgment rendered is removal from office as the principal with the incident of perpetual disqualification to hold office, and the Constitution provides that the punishment of the offender shall take

place as if the impeachment had been had by trial before a jury and a judge.

Now, for these offenses there is provided in the statutes of the United States a punishment of fine and imprisonment, and perpetual disqualification to hold office. Now, sir, this man being out of office, and if found guilty it being impossible to get him back into another, I protest against this hot haste without even having the testimony printed, and determining the question whether it is expedient that all the authority of this House shall be exercised, when it is very likely that when this evidence is printed it may be found that the House may adopt the conclusion to which the committee have arrived; but it seems to me unworthy of this great occasion, and if I stand alone, I stand here to say that this distinguished officer should not be impeached in this way under the previous question, without having the evidence in print on which he is charged, without giving these gentlemen who are sworn to support the Constitution an opportunity to decide upon the question on which such a jurist as Judge Story has expressed an opinion.

Mr. CLYMER. I will yield fifteen minutes to my colleague on the committee, the gentleman from Kentucky, [Mr. BLACKBURN.]

Mr. HOAR. Allow me to ask, if you can go back to an officer who has resigned, then can you not go back forever?

The SPEAKER. The time of the gentleman from Massachusetts [Mr. HOAR] has expired.

Mr. BLACKBURN. Mr. Speaker, I trust that when I shall have finished what I propose to say on this occasion, this House will see that it was not necessary for me at the beginning to protest that I am actuated neither by feelings of personal bitterness nor by feelings of party prejudice. I am glad to know that the position in which I stand upon the record in this case refutes the one charge and my utterances here shall disprove the other.

I am glad to know that in that record it appears that I and my colleagues on the committee have given to the world proof irrefutable that nothing was left undone that it was in our power to do to shield and shelter from dishonor every one except those whose acts it was made our duty to investigate. I will not consent that the gentleman from Massachusetts who has just preceded me [Mr. HOAR] shall make this a political or a personal question. I will not, in justice to honorable gentlemen upon that side of the House, consent that we shall be put in the position of the prosecutors while they take the position of the defenders.

It is a question that addresses itself to every mind here alike, I care not which side of the Hall he sits upon or what may be his party affiliations. It is not a party question; it is a question as to whether proper action shall be taken with regard to one who has brought disgrace upon himself, dishonor upon the station to which he had been elevated, and reproach upon the country of which he was a distinguished and prominent official. I will not stop to pass criticism upon the manner in which it was sought by that official to evade the penalty due to his offense. I will not undertake to say that he who with unprecedented if not indecent haste received that resignation did so to relieve that officer from those penalties—I will not say that this was the purpose. But I will say this: That if this is an unprecedented case, as gentlemen have said, it is unprecedented in more respects than one. It is the first instance in the history of this country—and to the honor of the country be it said—that any one claiming manhood and holding an exalted position has sought to shelter himself from legitimate inquiry by consenting to, much less actually interposing, the dishonor of a self-sacrificing wife. This much is due to her.

This House is not a jury trying an issue. It is the grand inquisition of the country. We stand here in the capacity of a grand jury. If this indictment shall be found, if this true bill shall be returned, it is not competent for this House to pass upon the issue. Gentlemen tell us that because the late Secretary of War is no longer in official position, therefore this House has no right to pass the resolutions upon the Clerk's desk. I deny it, and I rest upon authority. The gentleman from Massachusetts [Mr. HOAR] says that Judge Story has decided this to be the case. I deny it.

Mr. HOAR. The gentleman misunderstood me. I said that Judge Story said it was a very doubtful question.

Mr. BLACKBURN. I decline to be interrupted. I read from section 801 of Story on the Constitution:

Another inquiry growing out of this subject is whether, under the Constitution, any acts are impeachable except such as are committed under color of office, and whether the party can be impeached therefor after he has ceased to hold office.

And in section 805 he says:

It is not intended to express any opinion in these commentaries as to which is the true exposition of the Constitution on the points above cited. They are brought before the learned reader as matters still *sub judice*, the final decision of which may be reasonably left to the high tribunal constituting the court of impeachment when the occasion shall arise.

Mr. HOAR. Will the gentleman read the close of section 801?

Mr. BLACKBURN. I decline to be interrupted. That is the utterance of that great jurist. I will quote another. Rawle, in his commentaries on the American Constitution, says:

From the reasons already given, it is obvious that the only persons liable to impeachment are those who are or *have been* in public office.

Now, sir, you may go back to the trial of Hastings, the record of which is before me. It shows that he was impeached more than one

year—about a year and three months—after his service had expired. In the articles of impeachment themselves he is referred to and described as “the *late* governor-general of Bengal.” It was about fifteen months after the expiration of his service before those articles were ever presented or that impeachment ever had.

I do say, and I assert it without fear of contradiction, with the authorities before me, that it is in England a settled question, but that in this country it is an open question. And, now the issue is submitted, will the American Congress say that in this state of facts, with the question undecided, with no adjudication to guide us, with the expounders of our constitutional law indicating that that court of final resort which holds its sittings in the other wing of this Capitol should be left to pass upon this issue when the occasion shall arise, will you, I ask, in such a state of facts shrink from your duty, refuse to discharge that which rests upon you as an obligation, and say that, because there may be the mist or the shadow of a doubt, you will refuse to impeach this officer? You cannot do it.

In the Durell case, which was, I believe, before the Forty-third Congress, I find that the following discussion took place:

Mr. NIBLACK. I understand it to be a settled rule—the gentleman from Massachusetts, [Mr. BUTLER,] however, has investigated that subject more than I have done or have been required to do—that an officer cannot escape impeachment by reason of resignation. I beg therefore to inquire of the gentleman from Massachusetts if the committee have considered that question; whether they might not impeach him still, if they think that the circumstances sufficiently justify?

Mr. BUTLER, of Massachusetts. In answer to the question of the gentleman from Indiana, I will say that as the Constitution imposes the punishment of disability from holding office hereafter, it is entirely competent for the House to go on with the impeachment; and it has been so ruled over and over again. But Judge Durell is an old man, and there will be no practical benefit in going on with the impeachment.

Mr. RANDALL. There might be, as an example.

Sir, there is the record of a prominent member of the gentleman's own party, one who had made it a subject of special inquiry. He states to the House that a resignation does not protect the officer from impeachment; and no man then gainsaid the statement. I do not undertake to say that it is susceptible of demonstration that this House has the right under the Constitution. I have before me a copy of the Constitution in which I have marked clauses bearing upon this question; but I have not time now to read them. I do not undertake to say that it can be proven to a mathematical demonstration that this House has the power; but I say that no man can undertake to assert that it has not the power, and that in this state of the case we must of necessity act in the manner proposed by these resolutions.

But, sir, in order to show gentlemen on the other side of the House the condition in which they would place their own official at the other end of the Avenue whom they have put in power if we were to adopt their view, I read from Bacon's Works, volume 16, page 370:

On the 2d of May, the seals having been sequestered, the House resolved to proceed to judgment on the next day.

In this interval, on the evening of the 2d of May, the chancellor wrote to the King, “to save him from the sentence, to let the cup pass from him; for, if it is reformation that is sought, taking the seals will, with the general submission, be sufficient atonement.” These, his last hopes, were vain; the King did not, he could not, interpose.

What is it that members on the other side of the House would tell us? Will you say to the country that he whom you have placed in power at the other end of this avenue is able to rob an American Congress of a right and a power that a King of Great Britain could not take from Parliament? [Applause on the floor and in the galleries.] Is that your theory?

Mr. TOWNSEND, of New York. You do not give us an opportunity to say whether it is or not.

Mr. BLACKBURN. It used to be the theory that the king could do no wrong; but the man has never yet been found in this land who was bold enough to say that the President could do no wrong. If that man who uttered that memorable sentence, “Let no guilty man escape,” holds it in his power to rob the Representatives of the American people of their right to prefer accusations or pronounce censure upon self-convicted official criminals, then tell me, some one, where is the barrier to be found beneath whose shelter the liberties of this people can rest secure?

Mr. HOAR. Does the gentleman claim—

Mr. BLACKBURN. I submit to no interruption.

Mr. HOAR. Then I make the point that the gentleman's time has expired.

The SPEAKER. It has not expired.

Mr. HOAR. I want to know whether the gentleman claims that Congress has the right to punish men.

The SPEAKER. The gentleman from Kentucky declines to be interrupted.

Mr. BLACKBURN. And I hope this interruption will not be taken out of my time.

Mr. Speaker, I simply desire in the moment or two that may be left me to make but one additional statement. I am the last man who would introduce one atom of politics into this discussion. It is not admissible here. I know that members of this committee on the other side of the House were as earnest in their indorsement of this report as the gentlemen of the committee who sit around me. We have seen no difference in the committee-room as to this report, and I appeal to the manhood of this House that there shall be no party difference manifested here in its adoption. If fraud has been perpe-

trated, if criminality exists, if corruption has been proved, then let the Representatives of the American Congress so declare, send the issue to the court where it must finally be tried, and if he is to go scot-free, if we are unable to punish where guilt is almost openly confessed, let the responsibility for that exemption rest upon other shoulders than ours.

[Here the hammer fell.]

Mr. CLYMER. I now yield for fifteen minutes to my colleague on the committee from Ohio, [Mr. DANFORD.]

Mr. DANFORD. Mr. Speaker, I should not claim the attention of the House for a moment were it not for the fact that I am a member of the committee making this report.

One word in response to the remarks made by my colleague on the committee, the gentleman from Kentucky, [Mr. BLACKBURN,] as to the right or power of the President of the United States to rob this body of its right to present articles of impeachment against the late Secretary of War. The resignation of that officer was tendered and it was accepted, but in my judgment the acceptance of that tender in no manner changed his position toward the country. He had a right to vacate the office, and no power could compel him to remain.

The question as presented for the consideration of this House, so far as the attitude of this officer is now concerned, is not changed by the action of the President in accepting his resignation. I concede, Mr. Speaker, there is some doubt in my mind as to the right of this House to present articles of impeachment against a citizen after he has retired from office, but I have assented to the report and resolutions now before us for action, willing to remit the question of jurisdiction to the Senate. I believe if the House had the time to read the testimony and to consider it as the members of the committee have considered it, there would not be on this side of the House one single dissenting voice in agreeing to these resolutions.

I do not agree, sir, that the conduct of this officer is a legitimate outgrowth of the principles of the party in power, as intimated from the other side. No; the shame which he has brought upon the country is an outrage upon the political party which he in part represented in the Cabinet of the President.

And I desire to say that it is my hope there will not be a single vote on this side of the House against these resolutions. Let us deal with this man in such manner as to teach all persons who in the future may occupy such high and exalted position that swift punishment follows in the wake of such an outrage as he has inflicted upon the people of this country.

Mr. Speaker, I desire in consideration of the fact that this officer comes from the State of Iowa, to yield to the gentleman from Iowa, [Mr. KASSON,] at his request, the remainder of my time.

The SPEAKER. The gentleman from Iowa has ten minutes.

Mr. KASSON. A few years ago, sir, there went from my State a young, well-educated, and gallant gentleman to fight the battles of his country. He passed through them all; and after the war was over the President of the United States invited him to the very distinguished honor of a seat in his Cabinet, putting him practically at the head of that Army of which he had been a humble but distinguished and meritorious officer. This morning for the first time the delegation from Iowa heard that this gentleman, who had been so much respected in his own State and so much honored in the nation, had been found guilty of receiving compensation for some act of official function and that that compensation had been continuous. The House will judge of the emotion with which we from that State listened to the reading of the evidence. I never heard anything with greater interest; and when, at the close of the reading of the resolutions, I made an appeal to my friend from Pennsylvania, [Mr. CLYMER,] not for myself only, but for my colleagues, whose pride and the honor of whose State were so touched by the character of the report, for some moments' delay, in order that we might find what there was in that evidence in extenuation of what seemed to be so great a misdemeanor on the part of a public officer, we were met by a demand for the previous question. Not a word to be allowed except by grace to see whether this great stain ought to be put not only upon the nation, but upon that State which hitherto had been glad to honor this distinguished citizen.

I regret it, Mr. Speaker, for we desire in no respect to claim exemption for him from any of the penalties which his action deserves. If the power rested with us we would not ask that one single penalty justly due that officer upon the evidence should be withheld; but when, from the mere listening to that evidence, I find that one of the most painful features disclosed by it is in the fact that not one word of it, until the death that broke up a home had occurred—that not one syllable of evidence touches the officer in question, am I to be blamed that I want a night, or that my colleagues wanted a night, to ascertain the extent of his personal wrong by reading the evidence in print? And when I find the most delicate relations of human life involved in our proceeding here, as they are involved in that evidence, domestic relations so delicate I dare not allude to them in detail, is it astonishing that I think it but just we should have an opportunity to consider whether there was anything to be said in extenuation of what appears by the resolutions which accompany the evidence to be so great a misdemeanor.

But it is too late to go back of this. We have been refused the opportunity. Now, I only ask the attention of the House to the question whether they do not need more time to ascertain whether this

ex-officer is impeachable. Gentlemen speak of it as if impeachment were designed to inflict the proper punishment of an offense. It is not so. Impeachment has no such design. Impeachment is to protect the public from the continuance in office and, at the discretion of the Senate, from the restoration to office of the officer guilty of the misdemeanor. The statutes of the United States provide the punishment for such an offense to be ascertained by a jury and to be fixed by a court. If his impeachment were refused, he stands liable to the laws of the land, and the punishment prescribed by those laws he must submit to.

The Constitution says that—

The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

How are you going to remove this gentleman from office? He is out of office. In England, commoners as well as high officers of the government may be impeached, because the House of Commons is the grand inquest of the nation. But references to English authorities are of no account to us. Our rights are limited by the Constitution; and if this man be impeached, the Senate cannot execute the provision of the Constitution which declares that he shall be removed from office upon conviction. If he is liable to impeachment, let it be understood that we are all, without a dissenting voice, for impeachment. But if the House is establishing a precedent which may be dangerous for the future, and does not rest upon constitutional right, we should pause and consider by the aid of a report from the Judiciary Committee the question of our right to make this impeachment, and that is the whole object for which, sir, I stand here now upon the floor.

If there be not a limit by statute, as there is not, of the time to which you can go back to impeach a retired officer, any committee of this House may to-morrow report that Jefferson Davis, who was once Secretary of War and was a Senator of the United States, was guilty of a conspiracy to overthrow the Government of which he was an officer, and you may present at the bar of the Senate an impeachment of that officer to prevent his again holding office in this country. So you may take the case of any ex-officer of the United States, Ex-Secretary Floyd, Jacob Thompson, and others. You may impeach any man whom you charge with having been guilty of a high misdemeanor at any time while in office. There would be no limit to your power. Gentlemen, do you wish to establish such a precedent without even the consideration of the Law Committee of this House?

That is the question to which I desire the attention of the House, and I refer gentlemen to section 790 of Story's Commentaries on the Constitution, in which he says it is the peculiarity of our republican government that its impeaching power is confined to persons holding office. I will read the whole section:

From this clause it appears that the remedy by impeachment is strictly confined to civil officers of the United States, including the President and Vice-President. In this respect it differs materially from the law and practice of Great Britain. In that kingdom all the King's subjects, whether peers or commoners, are impeachable in Parliament; though it is asserted that commoners cannot now be impeached for capital offenses, but for misdemeanors only. Such kind of misdemeanors, however, as peculiarly injure the commonwealth by the abuse of high offices of trust are the most proper and have been the most usual grounds for this kind of prosecution in Parliament. There seems a peculiar propriety, in a republican government at least, in confining the impeaching power to persons holding office. In such a government all the citizens are equal and ought to have the same security of a trial by jury for all crimes and offenses laid to their charge when not holding any official character.

Section 805, quoted by the gentleman from Kentucky, [Mr. BLACKBURN,] referred to other points; not this one, which is discussed by Judge Story in the section which I am reading:

To subject them to impeachment would not only be extremely oppressive and expensive, but would endanger their lives and liberties by exposing them against their wills to persecution for their conduct in exercising their political rights and privileges. Dear as the trial by jury justly is in civil cases, its value as a protection against the resentment and violence of rulers and factions in criminal prosecutions makes it inestimable. It is there, and there only, that a citizen in the sympathy, the impartiality, the intelligence, and incorruptible integrity of his fellows impaneled to try the accusation may indulge a well-founded confidence to sustain and cheer him. If he should choose to accept office, he would voluntarily incur all the additional responsibility growing out of it. If impeached for his conduct while in office, he could not justly complain, since he was placed in that predicament by his own choice; and in accepting office he submitted to all the consequences. Indeed, the moment it was decided that the judgment upon impeachment should be limited to removal and disqualification from office, it followed as a natural result that it ought not to reach any but officers of the United States. It seems to have been the original object of the friends of the National Government to confine it to these limits; for in the original resolutions proposed to the convention and in all the subsequent proceedings the power was expressly limited to national officers.

I commend this section to the attention of gentlemen. All that I now ask is a report from the Committee on the Judiciary on this question before the House commits itself to this first precedent of the kind in the history of the country.

Mr. CLYMER. I believe there is a shred of time left?

The SPEAKER. There are two minutes left of the hour.

Mr. CLYMER. I yield that to my friend from North Carolina [Mr. ROBBINS.]

Mr. ROBBINS, of North Carolina. I just want to say, in reply to the gentleman from Massachusetts, [Mr. HOAR,] who says that the same punishment may be inflicted by indictment as by impeachment, that there is a material difference. A person convicted and disqualified by indictment may be pardoned by the Executive, but a man convicted and disqualified by impeachment cannot be.

Mr. HOAR. That is correct.

Mr. ROBBINS, of North Carolina. In reply to the gentleman from Iowa [Mr. KASSON] I would say in regard to Senators that it was decided in the Blount case in 1798 that a Senator cannot be impeached, because he is not an officer of the United States.

[Here the hammer fell.]

The question was taken on the resolutions, and they were unanimously adopted.

Mr. CLYMER moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CLYMER. I desire to ask that the report and testimony, with the accompanying statements and exhibits, be printed in the usual form, and also in the RECORD.

There was no objection, and it was so ordered.

The SPEAKER appointed the following as the committee called for in the second resolution:

Mr. CLYMER, Mr. ROBBINS of North Carolina, Mr. BLACKBURN, Mr. BASS, and Mr. DANFORD.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DONBINS for four days; to Mr. SINGLETON until Monday next, on account of sickness; to Mr. BAKER, of New York, until the 18th instant, on account of sickness in his family; and to Mr. BROWN, of Kentucky, until the 14th instant, on account of sickness in his family.

And then, on motion of Mr. SPRINGER, (at six o'clock p. m.,) the House adjourned.

PETITIONS, ETC.

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

By Mr. AINSWORTH: Remonstrance of J. Hodgkinson and 86 others, against the repeal of the duty on linseed and linseed-oil, to the Committee of Ways and Means.

By Mr. CAMPBELL: Memorial of the Re-organized Church of Jesus Christ of Latter-Day Saints, in conference assembled at Council Bluffs, Iowa, that more decisive measures be inaugurated in the suppression of alleged misrule and tyranny in Utah, to the Committee on the Judiciary.

By Mr. CAULFIELD: The petitions of citizens of Chicago, Illinois, for the repeal of the check-stamp tax, to the same committee.

By Mr. BANKS: The petition of Foster Henshaw, for compensation for damages sustained by the change of grade of streets in Washington, District of Columbia, to the Committee for the District of Columbia.

Also, the petition of John Shanahan, for compensation for damages sustained by change of grade of streets in Washington, District of Columbia, to the same committee.

By Mr. COX: The petition of Captain John Graham, that authority and jurisdiction may be conferred upon the Court of Claims to award him a just compensation for the damages and loss sustained by him on account of the detention of three steamships in the harbor of New York by order of the President of the United States, to the Committee on Foreign Affairs.

By Mr. DURHAM: A paper relating to a post-route from Speedwell, in Madison County, to Locust Branch, Estill County, Kentucky, to the Committee on the Post-Office and Post-Roads.

By Mr. FAULKNER: Four petitions of citizens of Preston County, West Virginia, that steps be taken in co-operation with other governments for the settlement of international difficulties by arbitration, to the Committee on Foreign Affairs.

By Mr. GOODE: Memorial of Assistant Surgeon James Phillips, that his commission may be made to bear date from the 21st of April, 1862, to the Committee on Naval Affairs.

By Mr. HARTRIDGE: Papers relating to the claim of M. Rawls, to the Committee of Claims.

By Mr. HATCHER: A paper relating to a post-route from Jackson to Wittenberg, Missouri, to the Committee on the Post-Office and Post-Roads.

By Mr. HENKLE: The petition of citizens of Annapolis, Maryland, for an appropriation to improve the harbor of Annapolis, to the Committee on Commerce.

By Mr. HOLMAN: The petition of Almira H. Thompson, for pay for services rendered as a nurse, and for moneys expended in taking care of sick and wounded United States soldiers, to the Committee on War Claims.

By Mr. JOYCE: The petition of J. M. Haven and 8,000 others, for the appointment of a commission to investigate and report the effects of the liquor traffic in the United States on the health and intelligence, &c., of the country; to prohibit the importation of alcoholic liquors in all places where Congress exercises exclusive legislation, and to require total abstinence from alcoholic liquors as a beverage on the part of all officials of the United States, to the Committee on the Judiciary.

By Mr. LAWRENCE: The petition of citizens of Cincinnati for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. MONROE: The petition of John L. Smith and other citizens of Pike Station, Wayne County, Ohio, that the traffic in intox-

eating liquors may be prohibited in the District of Columbia and Territories, to the Committee on the Judiciary.

Also, the petition of Phillip Baum and other citizens of Pike Station, Wayne County, Ohio, and of J. E. Arnold, M. B. Beebe, and other citizens of Cadiz, Ohio, for a commission of inquiry concerning the alcoholic liquor traffic, to the same committee.

By Mr. NORTON: Remonstrance of the Seneca Nation of Indians, against the passage of the law recommended in Executive Document No. 106 so far as it applies to them, to the Committee on Indian Affairs.

By Mr. PHELPS: The petition of Eliza Edgar, for a pension, to the Committee on Invalid Pensions.

By Mr. PIPER: Resolutions of the Chamber of Commerce of San Francisco, relating to the amendment of the shipping act, to the Committee on Commerce.

Also, resolutions of the Chamber of Commerce of San Francisco, in relation to the pilot laws, to the same committee.

Also, the petition of Pope Talbot others that all vessels be exempted from the payment of pilotage unless the services of the pilot are requested and actually rendered, to the same committee.

Also, the petition of the Chamber of Commerce of San Francisco, for an appropriation for a fog-signal on the South Farallon Island, California, to the Committee on Appropriations.

By Mr. RANDALL: The petition of Alfred H. Gheen, for an appropriation to compensate him for the use and occupation of his premises in Alexandria by the United States Quartermaster Department, to the Committee on War Claims.

By Mr. REAGAN: Two memorials of citizens of the counties of Hardin, Jefferson, Tyler, Jasper, Newton, and Orange, Texas, for an appropriation to deepen the mouths of the Sabine and Neches rivers, and the channel over Blue Buck Bar, to the Committee on Commerce.

By Mr. ROBBINS, of Pennsylvania: The petition of Hugh McLaughlin, for a pension, on account of the loss of his son John, killed at Frankford Arsenal by the explosion of condemned ammunition, to the Committee on Invalid Pensions.

By Mr. RUSK: Papers relating to the petition of the heirs of Gustavus B. Horner, a surgeon's mate of the revolutionary Army, for bounty land or compensation for services in the revolutionary war, to the Committee on Military Affairs.

By Mr. STENGER: The petition of 39 citizens of Pennsylvania, that one hundred and sixty acres of land and \$200 be granted all soldiers and sailors who served the United States in the Army or Navy for thirty days and received an honorable discharge, to the Committee on Military Affairs.

By Mr. WILLIS: The petition of John C. Cheever and others, for the improvement of Harlem River, to the Committee on Commerce.

Also, the petition of William Glenn, for payment of moneys due for his son's services in the Army, to the Committee of Claims.

By Mr. WIGGINTON: The petition of A. Spencer and 450 others, citizens of Inyo County, California, that the desert lands of said county may be disposed of in the same manner as now provided by law for the disposal of the desert lands of Lassen County, California, to the Committee on Public Lands.

By Mr. A. S. WILLIAMS: The petition of 52 citizens of Detroit, Michigan, for authority for the construction of a bridge across the river at Detroit, Michigan, to the Committee on Commerce.

IN SENATE.

FRIDAY, March 3, 1876.

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

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of the Interior, transmitting, pursuant to the requirements of the eighth section of the act approved July 22, 1854, two reports of the surveyor-general of New Mexico on private land claims in that Territory; which was ordered to lie on the table and be printed.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of James B. Beck, elected by the Legislature of Kentucky a Senator from that State for the term commencing on the 4th day of March, 1877; which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ISAAC STROHM, one of its clerks, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 236) to give the consent of the United States to the appropriation of certain proceeds arising from the sale of the swamp and overflowed lands in Alabama, for the purpose of furnishing other and additional accommodations for the indigent insane and idiotic persons resident in said State;

A bill (H. R. No. 280) to amend the act entitled "An act to appropriate lands for the support of schools in certain townships and fractional townships not before provided for," approved May 20, 1826;

A bill (H. R. No. 1752) to restore certain lands in the State of Iowa to settlement under the homestead law, and for other purposes;

A bill (H. R. No. 1771) to declare forfeited to the United States certain lands granted to the State of Kansas in aid of the construction of railroads by act of Congress approved March 3, 1863;

A bill (H. R. No. 2039) to amend sections 2450 and 2451, and to repeal section 2452, title 32, chapter 11, of the Revised Statutes;

A bill (H. R. No. 2427) to amend the act entitled "An act to amend an act to encourage the growth of timber on western prairies," approved March 13, 1874; and

A bill (H. R. No. 2452) to extend the time to pre-emptors on the public lands.

ADJOURNMENT TO MONDAY.

Mr. WHYTE. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

Mr. MORTON. I desire to enter a motion to reconsider the vote just taken in regard to an adjournment over. I will not press the motion just now.

The PRESIDENT *pro tempore*. The motion to reconsider the vote just taken will lie upon the table, and can be taken up at any time.

PETITIONS AND MEMORIALS.

Mr. HOWE. I present a petition of quite a number of laborers under certain contractors upon the Fox and Wisconsin River improvement, praying to be compensated the amount due them from the moneys due the contractors at the time they failed to go on with their work. This petition is transmitted to me through the Chief of the Engineer Corps. I move its reference to the Committee on Claims.

The motion was agreed to.

Mr. DORSEY presented the petition of Alexander Davis, of Arkansas, praying compensation for supplies taken by the United States forces during the late war; which was referred to the Committee on Claims.

He also presented a petition of colored citizens of Arkansas, soldiers in the late war, praying the repeal of certain laws relating to bounties and pensions to colored soldiers, and the enactment of such laws as will place the colored soldiers on the same footing as to the granting and payment of pensions as white soldiers; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Legislature of Arkansas, in favor of the passage of an act by Congress refunding the cotton tax collected in the years 1865, 1866, and 1867; which was referred to the Committee on Finance.

He also presented a petition of citizens of Saint Francis County, Arkansas, praying that the aid necessary to insure the early completion of the Texas and Pacific Railroad be granted; which was referred to the Committee on Railroads.

Mr. SARGENT. I present a memorial from a large number of merchants of San Francisco, the number and character of the signatures being such as to show that they represent the opinion of the mercantile class of that city, respectfully protesting against the repeal of the bankrupt law, and asking that the same may be amended in accordance with a bill which they send to me and which I shall ask leave to introduce. They submit that "a proper national bankrupt law is almost a necessity in a country composed of so many distinct districts, and is beneficial to both creditor and debtor;" and they justify these premises by statements of the operation of the bankrupt law. I think the memorial is very strong both in the source from which it emanates and in the reasoning by which they sustain it. I move that it be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. DENNIS presented the petition of Thomas D. Purnell, Horace Payne, and over one hundred other citizens of Maryland, praying an appropriation for the improvement of the Potomac River; which was referred to the Committee on Commerce.

Mr. MORTON. I present the petition of a convention of colored men in Texas; and as it is short, I will ask to have it read by the Secretary.

The PRESIDENT *pro tempore*. The petition will be read, if there be no objection.

The Chief Clerk read as follows:

To the Senate and House of Representatives of the United States:

We, your petitioners, would respectfully represent that the present constitution of the State of Texas provides that free schools shall be maintained in this State for at least four months in each year, and that by the terms of the act of Congress permitting Texas to resume the exercise of the rights and privileges of a State in the Union she is forbidden to abrogate that article in her constitution.

And we, your petitioners, would further represent that, notwithstanding the solemn and binding nature of the compact thus entered into between the Government of the United States on the one hand and the State of Texas on the other, the present State government has by nonfeasance practically destroyed our system of free schools.

And your petitioners would further represent that the proposed new constitution now pending for adoption silently ignores the existence of a compact between the General Government and the State of Texas in relation to the subject of education, and fails to make provision for an efficient system of free schools.

And your petitioners would further represent that, in addition to other funds, the new constitution proposes to appropriate that portion of the public domain granted to the State of Texas for the purpose of establishing an agricultural college to an institution to be used for the education of white youths exclusively;

Wherefore, to the end that a sacred and beneficial compact made in the interest of civilization and good government may not be wantonly and presumptuously violated, and that we may be protected in our rights as citizens of the United States,