Also, seven petitions of citizens of Ohio, of similar import, to the same committee.

Also, six petitions of citizens of Tennessee, of similar import, to the same committee.

Also, five petitions of citizens of Wisconsin, of similar import, to the same committee.

Also, three petitions of citizens of Kentucky, of similar import, to the same committee.

Also, three petitions of citizens of Illinois, of similar import, to the same committee.

Also, two petitions of citizens of Indiana, of similar import, to the same committee.

Also, two petitions of citizens of Georgia, of similar import, to the same committee.

Also, two petitions from citizens of Texas, of similar import, to the same committee.

Also, petitions from citizens of the States of North Carolina, South Carolina, Maryland, Louisiana, and of Utah Territory, to the same committee.

By Mr. SWANN: The petition of Philip Sinsz, for a modification of the law fixing duty upon imported glaziers' diamonds, to the same committee.

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

By Mr. WILLIS: The petition of Ed. McDonald Reynolds, for restoration in the Marine Corps, to the Committee on Naval Affairs.

By Mr. WOOD, of Pennsylvania: The petition of James S. Patterson and 21 other citizens of Montgomery County, Pennsylvania, against any change in existing tariff rates, to the Committee of Ways and Means.

IN SENATE.

THURSDAY, *March* 30, 1876.

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

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

PETITIONS AND MEMORIALS.

Mr. SARGENT. I present the petition of the regents of the University of California, and of James Lick, Richard S. Floyd, and others, trustees of the James Lick fund at San Francisco. This petition shows that James Lick made the munificent donation of $700,000 for the purpose of erecting within the State of California a telescope superior to any ever yet made. This great gift, calculated so much to advance the interests of science everywhere and to reflect credit upon our whole country, is placed in the safe hands of the University of California, an institution of great merit and usefulness, and which gives fair promise to become to the Pacific what Harvard and Yale are to the Atlantic States. Considerable research has been made under the auspices of the trustees of the fund to find some proper elevation, with the best atmospheric conditions for the location of this observatory. Various points upon the Sierra Nevada Mountains and the Coast Range Mountains have been examined and tested and under the highest advice a mountain in Santa Clara County, California, has been selected as containing in the highest degree all the elements which go to make up a proper place for a great observatory and telescope. This mountain, however, is wild, covered with rock, chaparral, underbrush, entirely unfit for cultivation, is public land, and probably, under ordinary circumstances, will not be surveyed for a hundred years to come. It is waste, unproductive, of no value, except for this great scientific purpose. The trustees petition Congress that a bill may be passed making a donation of a certain amount of land on the summit of this mountain, and I think that Congress will not hesitate to make this grant. If the ordinary course of disposal of the public lands is taken, the amount of land they require cannot be obtained under any existing law, and if it could the delay for surveys, &c., will greatly hinder the realizing of the objects of the gift of Mr. Lick. I move that the petition be referred to the Committee on Public Lands, and I venture to express the hope that that committee will give early consideration to the petition and to the bill which I shall introduce as soon as it is in order, and that they will make a favorable report thereon.

The motion was agreed to.

Mr. CLAYTON. I present the petition of William H. Patton, of Little Rock, Arkansas, late a captain in Company K, Fourth Arkansas Cavalry. The petition sets forth that on September 7, 1833, under the orders of Major General F. Steele, commanding the department of Arkansas, four companies of volunteer troops were mustered into the service to serve for one year or during the war; and that after having served about six months, the War Department disapproved the order under which this muster was made. The petition prays Congress to legalize the muster. I move that it be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. STEVENSON. I rise to present a memorial and resolution recently adopted by the General Assembly of the Commonwealth of Kentucky, touching the alleged imprisonment by the government of Great Britain of a naturalized citizen of the United States for an offense which there is no sufficient proof that he ever committed. I desire to have the memorial and resolution read, as presenting clearly and distinctly the circumstances of the case, for which prompt relief is asked of the Government of the United States, for the protection of one of its citizens from foreign oppression, by the Commonwealth of Kentucky.

The PRESIDENT *pro tempore*. The memorial and resolution will be read.

The Secretary read as follows:

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

The undersigned, citizens of the Commonwealth of Kentucky, as petitioners, would respectfully represent that E. O'M. Condon, a naturalized citizen of the United States, is now held by the government of Great Britain as a prisoner for a political offense, which there is no proof that he ever committed.

Convicted with indecent haste upon testimony which even the law reporters for the British press felt constrained to protest against in a memorial to the English home office as lame, impotent, and inconclusive, the death penalty at first adjudged against him was changed to even a harsher doom: imprisonment for life.

It is an indisputable fact that Condon is a citizen of the United States, and as such has periled his life in defense of the Republic under that flag which we now invoke for his protection.

Your petitioners would respectfully insist that it is due to the dignity of the American Government, the honor of the American name, and the protection of the American citizen, that such measures at once be taken as will effect the release of our fellow-citizen, now languishing in a felon's cell because of an alleged political offense against a foreign power.

We ask for the Irish Condon the same decisive action which in the case of the Austrian Koszta won the plaudits of our people and extorted the admiration of the civilized world; action evidencing not only the power but the promptness of the American Government to protect American citizens from oppression wherever they might be.

We ask similar action to that by which the crew of the Virginius were rescued from Spanish prisons and indemnity coerced for the victims of Spanish butchery. Must we believe that it is because Spain is weak and Great Britain mighty the Department of State was so swift and bold as to the one and is so timid and tardy as to the other?

American citizenship is entitled to the protection of the American Government as well against the mighty as against the weak; and the same principles of honor and justice which required from Spain the surrender of the Virginius and its crew unite to make it imperative upon the American Government to demand of Great Britain the surrender of the American citizen, the American soldier, E. O'M. Condon.

And to this end we pray for such measures as Congress in its wisdom shall deem most appropriate and effective.

Resolution in relation to E. O'M. Condon, a naturalized citizen of the United States, imprisoned by the British government for a political offense.

Whereas information has reached this body that E. O'M. Condon, a naturalized citizen of the United States, is held in imprisonment by the British government for a political offense; and whereas a memorial from his fellow-countrymen, citizens of this State, has been presented in his behalf:

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be directed and our Representatives requested to take such steps as in their judgment may be best to secure the interposition of the Federal Government in behalf of said prisoner and tend to his restoration to freedom and his return to his adopted country.

Resolved, That these resolutions, together with the memorial herewith, be printed, and that the governor be requested to forward copies of the same to our Senators and Representatives in Congress.

W. J. STONE,
Speaker of the House of Representatives.
JNO. C. UNDERWOOD,
Speaker of the Senate.

Approved March 20, 1876.

JAMES B. McCREARY.

By the governor:

J. STODDARD JOHNSTON,
Secretary of State.

Mr. STEVENSON. I never heard of this case until I received this morning from the secretary of state of Kentucky the accompanying memorial and resolution requesting their presentation to the Senate. The memorial presents the facts upon which the resolution of the Legislature of Kentucky rests. I am quite sure I need say nothing of the importance of prompt action by the Government in ascertaining the facts touching the imprisonment of E. O'M. Condon, and taking such steps as the honor of the country shall require and the protection of one of its citizens from oppression and illegal incarceration shall demand. I have, as already stated, no knowledge personally of the facts set up in this memorial, and it would be, therefore, improper to comment on the facts set forth in the memorial until their truth shall be ascertaind. I have obeyed the mandate of my Commonwealth in bringing to the notice of the Senate this alleged imprisonment of one of our people, and I now ask the reference of the memorial and resolution to the Committee on Foreign Relations, where I am quite sure it will be promptly investigated.

Mr. SARGENT. There is almost an indecent reflection upon the State Department in the memorial. I do not wish for myself to have it understood that I concur in the justice or propriety, even in a petition, of such a reflection on a Department of the Government.

The motion to refer was agreed to.

Mr. STEVENSON. I present the memorial of the city council of Covington, Kentucky, asking the restoration of the military garrison and arsenal of the United States to Newport, Kentucky, from which place it was removed some months ago by the Secretary of War to Columbus, Ohio. I desire briefly to say a word or two on the justice and weight of the prayer of these memorialists. The garrison so recently removed from Newport, Kentucky, was established there, if I remember aright, something like seventy or eighty years ago. It is an admirable location for a military garrison and a recruiting depot.

The Government has erected valuable buildings there, and no point in the western country possesses, in my judgment, greater advantages as a military post or a recruiting depot. This cannot be gainsaid. This is proved by the fact of its continuance there for nearly a century. It is healthy; it is central; it is in the center of a large population, composed of the cities of Cincinnati, of Covington, and of Newport. It has the water-carriage of the Ohio, of the Mississippi, and of the other western rivers and their tributaries. It has the advantage of large and cheap markets, so important to the health and pocket of the soldiers. I do not know why the late Secretary of War thought it expedient to make this removal. I have seen no reasons for such action, and if the Secretary of War has given any, they have escaped my observation. I have heard it hinted that the motive of the removal was to obtain larger grounds. I do not know that this is true. Whenever it is made officially to appear that enlarged grounds was the sole object of that removal, I promise to expose its fallacy. The grounds at Newport could have been enlarged at little or no expense.

Mr. President, the people of Covington, of Newport, and I doubt not of Cincinnati, deemed the action of the late Secretary of War in making this removal an exceedingly unwise one. This removal must not only entail large expenditures of public money in the erection of buildings already possessed by the Government, but a large and increasing expenditure must be incurred in the transportation of all men enlisted in the Western, Southern, and Southwestern States, and even in the cities of Louisville, Newport, Covington, or Cincinnati, by rail from Newport to Columbus. Mr. President, it is not unnatural that the people of the three cities of Newport, Covington, (and I think I might add Cincinnati,) should feel a deep interest in the speedy restoration of the garrison at Newport. It has been a military post during every administration of the Federal Government, from the time of Jefferson or Madison till the past year. Many mellowed memories hang around it. How many brave soldiers have been enlisted there? How many distinguished officers of the Army, who, having given their lives to their country and now sleep from their labors, have commanded at that garrison? How many more, full of years and full of honors, look back with pleasure to the happy hours when they were located half a century ago at that old and pleasant garrison? When are estimated the many advantages of Newport over Columbus as a recruiting depot, I sincerely hope that the prayer of my constituents will be heard and granted. But I have said already more than I intended. This removal is demanded by the highest considerations of public policy and I hope will soon take place.

I now move the reference of this memorial to the Committee on Military Affairs.

The motion was agreed to.

Mr. STEVENSON presented the memorial of Charles J. Franter and other workingmen of Kenton, Kentucky, praying that the tariff laws may remain undisturbed for the present; which was referred to the Committee on Finance.

Mr. KELLY presented a petition of the Board of Trade of Portland, Oregon, praying for an appropriation to improve the Columbia and Willamette Rivers; which was referred to the Committee on Commerce.

Mr. CAMERON, of Pennsylvania, presented a petition of workingmen of the City of Pittsburgh, Pennsylvania; a petition of workingmen of Clarion County, Pennsylvania; a petition of workingmen of Allegheny County, Pennsylvania; a petition of workingmen of Lancaster, Lancaster County, Pennsylvania; a petition of workingmen of Columbia, Lancaster County, Pennsylvania; two petitions of workingmen of Lehigh County; and two petitions of workingmen of the city of Philadelphia, praying that the tariff laws may remain undisturbed for the present; which were referred to the Committee on Finance.

He also presented the petition of 1,900 pensioners of the United States, citizens of the State of Pennsylvania, praying for a continuance of the present system of paying pensions; which was referred to the Select Committee to Examine the Several Branches of the Civil Service.

Mr. WALLACE presented a petition of workingmen of Philadelphia and a petition of workingmen of Lancaster County, Pennsylvania, praying that the tariff laws may remain undisturbed; which were referred to the Committee on Finance.

He also presented a memorial of the Philadelphia Board of Steam Navigation, remonstrating against any change in the present lighthouse system; which was referred to the Committee on Commerce.

He also presented additional papers relating to the claim of John Montgomery and Thomas E. Williams for damage of property in Virginia, near the end of the Long Bridge, during the late war; which were referred to the Committee on Claims.

Mr. MORTON presented a petition of workingmen of New Albany, Indiana, praying that the tariff laws may remain undisturbed; which was referred to the Committee on Finance.

Mr. WINDOM presented a joint resolution of the Legislature of Minnesota, in favor of the relief of settlers upon the Hastings and Dakota and the Southern Minnesota Railroad lands; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

Whereas a large number of people have settled upon what is known as contested land, within the land grant of the Hastings and Dakota and Southern Minnesota Railway Companies; and whereas these people settled in good faith upon said lands, having been permitted by the local land offices to file for pre-emption upon the same, and which local land offices now refuse to allow these settlers to make final proof, although the law for pre-emption of public lands has been complied with in every particular: Therefore,

Be it resolved by the Legislature of the State of Minnesota, That the Senators and Representatives of this State in Congress be, and are hereby, requested to use their influence to secure such legislation as will provide for the relief of settlers upon contested lands within the grants of the Hastings and Dakota and Southern Minnesota Railway Companies.

Resolved, That the secretary of state is requested to forward copies of this resolution to each of our representatives in Congress.

J. B. WAKEFIELD,
President of the Senate.
W. R KENYON,
Speaker of the House of Representatives.

Approved 4th March, A. D. 1876.

J. S. PILLSBURY,
Governor.

STATE OF MINNESOTA,
Office of the Secretary of State:

I certify the foregoing to be a true and correct copy of the original on file in this office.

Witness my hand and the great seal of the State this 26th day of March, A. D. 1876.

[SEAL.]

J. S. IRGENS,
Secretary of State.

Mr. WINDOM presented a joint resolution of the Legislature of Minnesota, relative to patent-rights; which was referred to the Committee on Patents, and ordered to be printed in the RECORD, as follows:

Whereas the patent laws of the United States have been so devised and constructed as to shield and protect great and oppressive monopolies and to encourage gigantic speculations for the benefit of a few at the expense of the people, while they are totally inadequate to secure to inventors adequate compensation for their inventions: Therefore,

Be it resolved by the Legislature of the State of Minnesota, That the Senators from this State in Congress are instructed and the Representatives are requested to use their earnest efforts to secure such amendments to said laws as will provide—

1. That any person may use any patented invention upon executing a bond in such sum and with such security as the circuit court of the United States for the district in which such use is to be made shall direct and approve, conditioned that he will pay to the owners of such invention a proper license fee for the use of the same, which bond shall be filed in the office of the clerk of said court.

2. That in all cases the measure of the license fee shall be such sum as will give the inventor reasonable compensation for his time, labor, ingenuity, and expense, which sum shall in no case exceed the fee fixed for such use in contracts made by the inventor or owner; and such license fee shall be the measure of damages in all actions and proceedings for the infringement of patents, and no other recovery for damages or profits shall be allowed.

J. B. WAKEFIELD.
President of the Senate.
W. R. KENYON,
Speaker of the House of Representatives.

Approved March 3, 1876.

J. S. PILLSBURY.

STATE OF MINNESOTA,
Office of the Secretary of State:

I certify the foregoing to be a true and correct copy of the original on file in this office.

Witness my hand and the great seal of the State this 26th day of March, A. D. 1876.

[SEAL.]

J. S. IRGENS.
Secretary of State.

Mr. PADDOCK presented a memorial of a large number of citizens of the District of Columbia, remonstrating against the location of the Union Railroad of the District of Columbia, so far as its proximity to Boundary street is concerned; which was referred to the Committee on Public Buildings and Grounds.

Mr. MCMILLAN presented a joint resolution of the Legislature of Minnesota, in relation to obstructions to the navigation of the great lakes; which was referred to the Committee on Commerce.

He also presented a joint resolution of the Legislature of Minnesota, in relation to the construction of a bridge at Fort Snelling; which was referred to the Committee on Commerce.

Mr. CONKLING presented a memorial of a large number of business men of the city of New York, remonstrating against the total repeal of the bankrupt law, and proposing amendments; which was referred to the Committee on the Judiciary.

Mr. MORTON. I present the memorial of a convention of delegates representing seven yearly meetings of the religious Society of Friends now in session in this city, in regard to Indian affairs. As this comes from a very highly respectable body of Christians, who for more than two hundred years have devoted themselves to the amelioration and civilization of the Indians, I ask that it may be read in the hearing of the Senate. It is very short.

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

The Chief Clerk read as follows:

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

The memorial of a convention of delegates representing the seven yearly meetings of the religious Society of Friends, composed of citizens of the States of New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Ohio, Indiana, Illinois, and Iowa respectfully showeth that they have been actively engaged for several years in endeavoring to civilize the Indian tribes of the northern superintendency with marked success.

Believing that the proposed transfer of the care of the Indians to the War Department will be a serious injury to them, and no ultimate gain to the Government, we earnestly remonstrate against such change, and wish you to seriously consider whether true wisdom will not cause you to continue the present humane policy.

[Signed by direction of the convention of delegates.]

DILLWYN PARISH,
Secretary of Delegates.

The memorial was referred to the Committee on Indian Affairs.

Mr. NORWOOD presented the petition of Thomas N. Pouttain, sr., of Georgia, praying to be indemnified for the loss of cotton seized by the United States authorities in 1863 and 1864; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the petition of James Dalton, late of Company K, Eighty-first New York Volunteers, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 1810) granting a pension to Elizabeth R. Hall, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1992) granting an additional pension to Mary P. Abell, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 183) granting an increase of pension to John E. Wunderlin, late a private in the Thirty-third Regiment of New York Volunteer Infantry, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 539) to provide for an increase of pension in favor of Martin Kelly, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. BOGY, from the Committee on Private Land Claims, to whom was referred the bill (S. No. 178) to extend the provisions of the act entitled "An act for the final adjustment of private land claims in the States of Florida, Louisiana, and Missouri, and for other purposes," approved June 22, 1860, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 294) for the relief of Charles E. Hedges, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 253) granting a pension to Joseph B. Lane, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 118) granting a pension to James H. Woodard, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 2306) granting a pension to John McIntire, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the memorial of Maximillian Rosenberg, praying the pay and allowances of a second lieutenant of infantry from the 1st day of March, 1862, to the 15th day of September, 1862, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. WINDOM, from the Committee on Patents, to whom was referred the petition of Horace L. Emery, praying for permission to go before the Commissioner of Patents to make application for an extension of his patent for improvement in cotton-ginning machines, submitted a report, accompanied by a bill (S. No. 675) enabling Horace L. Emery to make application to the Commissioner of Patents for an extension of letters-patent for improvement in cotton-ginning machines.

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

Mr. BURNSIDE, from the Committee on Commerce, to whom was referred the bill (S. No. 373) to promote the efficiency of the light-house service of the United States, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred a resolution of the Legislature of the State of Michigan in favor of an appropriation for a light-house and fog-bells at the west bar of Mackinaw Island, reported a bill (S. No. 676) authorizing the construction of a light-house and fog-bells on Round Island, Straits of Mackinaw; which was read and passed to the second reading.

Mr. BOOTH, from the Committee on Pensions, to whom was referred the bill (H. R. No. 933) granting a pension to William D. Cobaugh, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. CONKLING, from the Committee on Commerce, to whom was referred the petition of David Klein, a citizen of New York City, praying to be allowed a royalty for the use by the United States authorities, as is alleged, of his patent for ponton-bridges, asked to be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the memorial of a number of citizens of the United States asking that the convention entered into for the establishment and maintenance of an international bureau of weights and measures may be ratified, asked to be discharged from its further consideration and that it be referred to the Committee on Foreign Relations; which was agreed to.

Mr. ALLISON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 240) granting a pension to John A. Goedfrey, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 42) granting a pension to Francis Bernard, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2291) granting a pension to John H. Garrison, reported it without amendment.

BILLS INTRODUCED.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 677) granting a site for an observatory to the trustees of the Lick Observatory of the astronomical department of the University of California; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. COCKRELL. I desire to introduce a joint resolution which probably affects the same gentleman referred to in the resolution and petition of the Senator from Kentucky [Mr. STEVENSON] this morning.

There being no objection, leave was granted to introduce a joint resolution (S. R. No. 14) requesting the President to intercede with Her Majesty the Queen of Great Britain for the release of Captain E. M. Condon, now confined in prison in Portland prison, England, under sentence for life; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. COCKRELL. I desire to say that Captain Condon served in the Army during the war as a gallant soldier. He was located at Cincinnati, Ohio, and in 1867 he was called to England upon business, and having relatives in Manchester, England, he was there in October, 1867, at the time of the murder of Sergeant Brett. He and four others were arrested on the 27th or 28th day of October, 1867. They were hurriedly tried jointly, and sentenced to death about the 1st of November, 1867. One of the parties, Mr. Maguire, was a soldier in the British army; and he was pardoned. The sentence of Captain Condon was commuted to imprisonment for life, while Allen and Larkin and O'Brien were hanged. I think it is a case in which the Government of the United States should intercede to have him released. I move that the joint resolution be printed.

The motion was agreed to.

WARREN MITCHELL.

Mr. CAMERON, of Wisconsin. On the 22d of this month I made an adverse report from the Committee on Claims on the memorial of Warren Mitchell, of Louisville, Kentucky, praying to have refunded to him the amount of proceeds of certain cotton belonging to him seized and sold by the Government of the United States and covered into the Treasury. The report was not acted upon by the Senate; but, on my motion, was laid on the table. I now, with the consent of the chairman of the Committee on Claims, move that the report and the memorial be taken from the table and recommitted to the Committee on Claims.

Mr. WRIGHT. I will say in that connection that there are a great many matters which have been submitted to the Committee on Claims, and we are endeavoring, with such industry as we can, to dispose of those claims. It is occurring every day that we make reports here, and Senators, finding that either because the parties interested have not given attention or they themselves have forgotten what they have to do in connection with the claims, present propositions to have the reports recommitted. In this instance I make no objection, because I think the circumstances are special and peculiar; but I call the attention of Senators to the fact that these reports are being made; and, as far as we are concerned, at least as far as I am concerned, hereafter, unless there be special and peculiar reasons, I shall resist every proposition to recommit a report after it has been made, unless there be new evidence.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Wisconsin to recommit.

The motion was agreed to.

THE TRADE-DOLLAR.

Mr. SHERMAN. Senate bill No. 263 was reported two or three days ago from the Committee on Finance. If it is the pleasure of the Senate, I would like to have it taken up now. I do not wish to interfere with morning business, but I desire the bill acted upon.

Mr. CHRISTIANCY. If in order, I move to take up the motion submitted by me some days since for the reconsideration of the vote by which the bill was passed fixing the salary of the President of the United States.

The PRESIDENT *pro tempore*. The Senator from Ohio has just moved to proceed to the consideration of the bill he has named.

Mr. SHERMAN. I think it will take but a few minutes. It is very short.

The PRESIDENT *pro tempore*. The Secretary will report the bill at length for information.

The Chief Clerk read the bill (S. No. 263) to amend the laws relating to legal tender of silver coin.

Mr. COCKRELL. I object to that bill. I should like it to lie over until we have an opportunity for the consideration of it.

Mr. SHERMAN. I do not think the Senator will object to it if he understands the precise nature of it.

Mr. COCKRELL. I am very decidedly a hard-money man; I bo-

lieve in silver as a currency, and I should like to see it a legal tender for sums larger than $5. I am opposed to its being demonetized and driven out of the country.

Mr. SHERMAN. The Senator, I am sure, will not object to the bill when he hears it explained. It only changes the existing law in a very slight degree. At any rate, I should like to have it called up before the Senate.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, the pending question being on the amendment reported by the Committee on Finance, to strike out all after the enacting clause, and in lieu thereof insert:

That section 3586 of the Revised Statutes of the United States be, and hereby is, amended to read as follows:

The silver coins of the United States, except the trade dollar, shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment.

Mr. SHERMAN. Mr. President, the only change in the existing law proposed by this short bill is to except the trade-dollar from being a legal tender. By misadvertence, I imagine, in the revision of the statutes the trade-dollar was made a legal tender, while in fact the trade-dollar is simply a mercantile dollar, coined at the request of any holder of silver bullion for merchandise, intended to promote our trade with China. It is not proposed to interfere with that object of the trade-dollar which is coined now at the request of any holder of bullion who can have it converted into silver coin in this form. It was never the purpose to make it a legal tender in the payment of debts, because it was at the time it was issued considerably more valuable than gold.

Mr. MERRIMON. Why is the trade-dollar specially valuable for the trade with China? What is the difference between the trade-dollar and the ordinary dollar?

Mr. SHERMAN. The trade-dollar contains four hundred and twenty grains of standard silver. The dollar of the law contains four hundred and twelve and one-half grains of silver. The subsidiary coinage contains three hundred and eighty-five grains in two half-dollars. The trade-dollar was a dollar coined simply for the benefit of merchants in the foreign trade to compete with the Mexican dollar, which was a more valuable dollar than our legal-tender dollar. It was never intended to make it a legal tender. Now the result is, as silver has declined below the standard of gold, far below its former value, that private persons carry their silver bullion to the mints, and under the law as it now stands require it to be coined into trade-dollars, and then use them as a legal tender, silver being now depreciated below its legal standard.

Mr. MITCHELL. I would like to make one inquiry of the Senator from Ohio, whether the Committee on Finance in reporting this bill means to be understood by the Senate as opposing the proposition contained in the original bill of the Senator from California [Mr. SARGENT] to make the silver coins of the United States a legal tender to a larger amount than $5?

Mr. SHERMAN. We do not propose now to interfere with that question at all. That question is being considered by the Committee on Finance. Whether we will extend the limit of the legal-tender is now being considered in another way. It has no relation to this bill.

Mr. MITCHELL. A separate proposition?

Mr. SHERMAN. A separate proposition. The only question now is whether we will correct that misadvertence in revising the laws which made the trade-dollar a legal tender when it was not so designed.

The Senator from California [Mr. SARGENT] thinks I have not explained the matter. I think I have. I will say further that the trade-dollar is issued at the request of private persons. When any holder of silver bullion desires to exchange it for trade-dollars, he can take it to the mints and ask that it be coined into trade-dollars; and then he sells them or uses them in the foreign trade, while the other silver coins of the United States are coined at the pleasure of the United States and only for their benefit, and whatever profit is derived from the other coinage is derived by the United States, and not by private individuals. But the trade-dollar is a mere article of merchandise. The Committee on Finance have considered the subject fully.

I will read the section under which the trade-dollar is issued. I will read, first, section 3513, in regard to the silver coins of the United States:

The silver coins of the United States shall be a trade-dollar, a half dollar, or fifty-cent piece, a quarter dollar, or twenty-five-cent piece, a dime, or ten-cent piece; and the weight of the trade-dollar shall be four hundred and twenty grains troy; the weight of the half dollar shall be twelve grams and one-half of a gram; the quarter dollar and the dime shall be, respectively, one-half and one-fifth of the weight of said half dollar.

Or, reduced to grains, two half dollars of the ordinary coinage contain three hundred and eighty-five grains. The trade-dollar is issued only under the circumstances stated in section 3520, which I will now read:

Any owner of silver bullion may deposit the same at any mint to be formed into bars or into dollars of the weight of four hundred and twenty grains troy, designated in this title as trade-dollars, and no deposit of silver for other coinage shall be received. Silver bullion contained in gold deposits and separated therefrom may, however, be paid for in silver coin at such valuation as may be, from time to time, established by the Director of the Mint.

The subsidiary coin is coined only by the United States in such quantities as are demanded for money. The trade-dollar is issued only as an article of merchandise, as a form of silver bullion, and therefore it ought not to be made a legal tender. There should be no question about that.

Mr. FRELINGHUYSEN. If I understand the object of this bill—and I would like the chairman to tell me if I am correct—it is that whatever profit there may be from converting silver into coin shall accrue to the benefit of the United States, instead of to the benefit of individuals.

Mr. SHERMAN. That is precisely it.

Mr. FRELINGHUYSEN. That certainly is right.

Mr. SHERMAN. Now, any profit accruing by the issuing of the trade-dollar goes to private individuals, and thus we lose all our control over our silver coinage. The proposition is so plain that I think further debate is unnecessary.

Mr. BOGY. I should prefer that the bill should go on the Calendar, as it will very properly bring up the question of making silver a legal tender for a larger amount than $5. The statement made by the Senator from Ohio is perfectly correct, and the correction which he proposes to make by this bill should be made, because, strictly speaking, the trade-dollar is not a coin of the United States. His statement in that respect is altogether correct, and the bill I presume is perfectly correct; but it will present in a very proper way the subject of making silver a legal tender to a larger amount.

Mr. SHERMAN. If my friend will allow me, I will state that the Committee on Finance have a bill before them that is now being very fully considered in regard to that very point. This process of converting silver bullion into trade-dollars is pushed forward by persons interested in it, and thus the United States are deprived of their control of the silver coinage of the United States. This bill ought to pass immediately. As to the other question, it is a much broader question, and is now being considered by the Committee on Finance, and will be reported upon as soon as we are ready.

Mr. BOGY. I cannot see the bad effect of the present law, although I admit that what is called the trade-dollar is not, strictly speaking, a legal-tender coin. Although it is so, perhaps, by section 3513, yet if you will look at section 3520 you will see that it was not the intention. There is an error manifestly.

Mr. SHERMAN. An error in revising the statutes.

Mr. BOGY. And it should be corrected. Nevertheless, I think the whole subject had better be brought up, and I cannot see that any great harm can result by this law remaining as it is for a short time longer. If parties who own bullion desire to have it coined into trade-dollars, there can be no harm, and the export of that coin cannot hurt anybody, because it is of no use in this country, not being a legal tender.

Mr. SHERMAN. It is a legal tender now.

Mr. BOGY. Only to the amount of $5, which is next to nothing at all, and in point of fact amounts to nothing. I am perfectly satisfied myself that we ought to make silver a legal tender to a larger amount. I do not think that silver should be made a legal tender to an amount unlimited as gold is, because, not being as valuable as gold, it would drive gold away; but I am fully impressed with the conviction that the amount of silver which should be made a legal tender ought to be increased to at least $1,000, and in that way we should be doing what is being done in France and other countries where the double standard is maintained. The silver would become the coin of the people, and be used in all small transactions, and gold would be used for banking transactions.

This involves the consideration of the great question as to the relative value of silver and gold. That is a question which has to be examined very carefully and very scientifically. I do not propose to go into that question at all just now; nor am I prepared to say what is the exact proportion; but admitting that that proportion can be ascertained, (as it can be, and ascertained beyond a doubt,) I can see no reason why silver should not be made a legal tender, but I can see many reasons why it should be made a legal tender.

Then, again, in my opinion it involves a great constitutional question. As it is now, the States have the right to make gold and silver a legal tender, and nothing but gold and silver; therefore it is competent for one or for all the States to say that silver shall be a legal tender without any limit whatsoever, because the inhibition of the Constitution is that no State shall make anything a legal tender but gold and silver. That being so, they then can make gold and silver a legal tender without any limit whatever. If all the States were to make silver a legal tender equal to gold, it would become the legal tender for the United States; and it would not be competent for the Federal Government to restrain the action of the States. It therefore involves a grave constitutional question, besides a financial question. I have thought a great deal upon this subject, and I am not able to see any good reason why silver should not be made a legal tender to a very large amount, say a thousand dollars; but I see a great many good reasons why it should be so.

I shall not on this occasion detain the Senate to discuss the subject. I intend doing so at a future time, and I would much prefer that all bills having a bearing on the subject should, for a while, go on the Calendar, so as to bring up the whole subject to the mind of the Senate in a proper manner.

Mr. SARGENT. The original bill referred to the committee was introduced by myself and provided for a greater legal tender of silver coin. It is a question beset with difficulties, and I do not know that

my mind is entirely clear as to the extent to which silver coin should be made a legal tender; but I am very positive upon one proposition, and that is that if silver coin is a legal tender to any extent, it ought to be within the control of the Government to coin it on its own account. Your silver coin becomes abraded. Who shall redeem it? As it is now, the Government does it on account of the large profit it makes in coining the silver coinage. Obviously, it should do so. But the trade-dollar is without a father; the Government is under no obligation to redeem that. It simply takes bullion of any one, puts it in a certain form, and stamps it. The trade-dollar is of higher value than the subsidiary silver coinage for which the Government is responsible. The stamp is put on the trade-dollar according to the law, which requires that a certain amount shall be in it in order that the stamps may go on it; but there is no margin to the Government at all. It receives the mere cost of that coinage, and cannot be called on to redeem that coin when it becomes abraded. The question of the abrasion of coin is a very important one to the commercial classes in my State, both as to our silver and our gold coin. We have been trying for some time to secure legislation in reference to the gold coin that would bring it up to the true standard, because the abrasion in actual use has been so great that if a strict discount were made in business transactions on that amount there would be considerable depreciation. Who shall lose the difference between standard and naturally abraded coin? If the holder, he suffers for all abrasions before made by others and by the Government in handling it for years. The question is, as I say, important.

In the silver coinage the Government has always recognized this duty on account of the profit it makes on it, and the difference between its real value and nominal value induces the Government to keep good the silver coinage; but in reference to the trade-dollars nothing of the kind can occur. You cannot call on the Government for that. It is like the stamp it puts on a bar of bullion, stamping it at the time it passes through its hands as worth a thousand dollars or $500, but it is not responsible for it six months thereafter when it may have passed from hand to hand or been filed or mutilated. In reference to the trade-dollar, its stamp carries no higher meaning or responsibility than that on the bar of bullion.

That which we are trying to remedy in this matter is a local trouble which has arisen among the people of the Pacific coast. They have in their hands, which they have bought of the Government, paying gold for, some millions of silver subsidiary coinage. They are not able to procure a dollar of that silver subsidiary coinage from the Government except by paying its full value in gold. The Government came in then, and while providing for a trade-dollar which was to facilitate our commerce with China, declared it should be a legal tender for $5; that is to say, it put it in a clause which when read altogether subjected this coin to the condition of the subsidiary silver coinage, without remembering that this was not a natural coin of the Government; that it put no seigniorage on it at all and made no profit on it. It simply stamps it, for the accommodation of the parties who have silver bullion, to give it currency in China. As soon as this was discovered, parties threw their bullion in immense quantities into the mints to have it coined in this trade-dollar form; they threw it out on the market, and therefore began depreciating the millions of subsidiary silver coinage which men had paid gold for and were using in all the avocations of life. The result was that complaint came from workmen that they were paid in this depreciated silver coinage; they could not pay their bills with it to the amount of over $5. We are thus finding the effects of a depreciated currency where we have stood for hard currency all the way along. The difficulty was in giving the legal-tender quality to an article which was not coined on Government account, and the amount of the coinage of which the Government cannot regulate. In reference to the subsidiary silver coinage the Government has the power in its hands to regulate it, to prescribe that not more than a certain amount shall go out, and only under conditions that keep it equal for business purposes with gold.

Mr. BOGY. What does the Senator mean by "subsidiary silver coinage?"

Mr. SARGENT. I mean halves and quarters, all the silver coin which is issued by the Government except the trade-dollar—the ten-cent piece, the five-cent piece, and the three-cent piece are included.

The former American dollar, which is less than the value of the gold dollar, the Government made its profit on, as it does on the two halves; but it is not now in circulation nor is it much called for, on account of its bulk. The half dollar is as large a silver coin as men ordinarily want to carry.

The incongruity, so far as the currency is concerned, is that the two half dollars are not of the value of the trade-dollar; and the moment you issue the dollar in this form it brings down necessarily in proportion the two half dollars below the standard; and if you turn the whole bullion mines of the Pacific coast into our mints, and coin them into trade-dollars, and make them a legal tender, you necessarily derange the character of the subsidiary silver coinage for which gold has been paid. The inconvenience has been felt by the people of my State and the State of Nevada. It is simply a local grievance. If you had gold and silver coinage in Ohio and Missouri, you would find it there.

Of course, if trade-dollars were coined only on Government account and issued at the mints in exchange for gold, that would remedy the difficulty I have mentioned; but merchants could not afford to export them, and the original object would be defeated.

The course of trade will soon relieve the market of trade-dollars, and restore the tone of the money market and the value of subsidiary coin, if this bill is passed. The relief will be easy and natural, by sending trade-dollars abroad to China, provided the issue for the purpose of circulation among ourselves is stopped. That, after a while, will cure the evil.

Mr. BOGY. The trouble on this question I think comes in this way: There is no law now fixing the relative value as between silver and gold. The silver coinage is not uniform. You have the trade-dollar, of four hundred and twenty grains troy, and then you have the half dollar, which is measured in French grams not grains, creating a confusion, and the relative value has never been fixed. If the coinage of silver was uniform from the dollar down to the five-cent piece of proper standard, (which standard of course I am not able to state now,) and fixing the value as between silver and gold there would be no trouble at all. The trouble is, in this case, that we, by the act of 1873—and I think without much consideration, because I have been unable to find much discussion on the subject—demonetized silver entirely excepting to the extent of $5, which really amounts to nothing at all. I think it is the greatest subject that can be discussed by the Senate with reference to the important question of resumption.

All nations are using gold coin at the present day pretty much, excepting France and a few of the southern peoples of Europe, who are using yet the double standard. I say, and am perfectly convinced of the fact, that we in this country could most advantageously use silver as coin, provided the relative value as between that and gold is scientifically and justly fixed by law. Now, you have a trade-dollar of four hundred and twenty grains troy, which contains more silver in proportion than the half dollar, or quarter, or ten-cent or five-cent piece. As a matter of course, the smaller coin, which my friend calls the subsidiary coin, is depreciated, and persons who are compelled to receive their pay in silver to the extent of $5 do not like to take a coin which is of less purity than the silver dollar. But that is owing to the fact that the coinage is not uniform; it is owing to the fact that the same character of purity does not extend down from the dollar to the five-cent piece; and it is owing to the further fact that the relative value as between silver and gold has not been fixed. Whenever you have fixed the value as between silver and gold, and fixed that properly, whatever that may be, there can be no flood of silver, because it will be just as good as gold, and yet it is not intrinsically as valuable as gold; and to that extent perhaps it would be wise to limit its legal-tender capacity. It formerly was without limit; and we all remember the day when silver was the coin of this country—I may say entirely—and gold was used as a sort of metallic merchandise. The act of 1873 demonetized silver in this country; and, as I said in the speech I had the honor to make some time ago on that very subject, we blindly followed the lead of Great Britain, and yet our position is just the reverse of the position of Great Britain.

Mr. CONKLING. Will the Senator allow me to ask him or some other Senator a question? Is it true that there is now by law no American dollar; and if so, is it true that the effect of this bill is to be to make half dollars and quarter dollars the only silver coin which can be used as a legal tender?

Mr. SHERMAN. I will answer the Senator from New York that since the law of 1853 the use of the silver whole dollar has been discontinued and none has been issued. That has been so since 1853.

Mr. CONKLING. Is there power to issue it?

Mr. SHERMAN. There is no power and has been none.

Mr. BOGY. The power to issue existed from 1853 to 1873; but since 1873 I think there has been no power.

Mr. SHERMAN. There has been no silver dollar issued since 1853, and my impression is that the law of 1853 did not confer the power to issue it. The Senator thinks it did confer the power; but the law of 1873 cut off the power, in my judgment, if it existed. The dollar was practically dropped from our coinage system for the best possible reason, the same reason that the five-franc piece and the large coins of England have been dropped out of their currency, simply because it is inconvenient in size and form for ordinary coinage and ordinary business.

Mr. JONES, of Nevada. Allow me to suggest that the reason the dollar was dropped and that no such silver coin has been coined since 1853 is because silver was at a premium at the then established ratio of gold, and nobody had any inducement to coin the silver dollar at that time. The law, however, authorized the coinage of the silver dollar then, and it was never demonetized until February, 1873; but it needed no law to prevent people from coining such a dollar for use in business, when there was another dollar to be got 3 or 4 per cent. cheaper. The people did in 1853 and up to 1873 have an option that if gold should become dearer they could fall back again on the silver dollar. In 1873 that privilege was taken away.

Mr. SHERMAN. There is a bill now pending before the Committee on Finance to authorize and prescribe a dollar of the weight and fineness of two half dollars of what is now called our subsidiary silver coinage. That bill will be acted upon as soon as we can get the requisite information. That bill also seeks somewhat to change the

law in regard to the amount for which silver shall be a legal tender. That is not this bill at all, nor does it have any effect on this bill. This bill simply excepts from the legal-tender authority the trade-dollar, which is simply a dollar coined for the benefit of merchants, not coined by the United States in any case.

Mr. CONKLING. What is the reason for eliminating the trade-dollar?

Mr. SHERMAN. That was provided for as a mere matter of convenience to merchants to enable them to convert their bullion into a trade-dollar for exportation to China, where the old pillar-dollar of Mexico had possession of the channel of trade, and the trade-dollar was a little more valuable than the Mexican pillar-dollar, in order to drive out of circulation the Mexican pillar-dollars in China and Japan. For that reason the trade-dollar is a convenient way of exporting silver bullion.

Mr. McDONALD. Permit me to ask the Senator from Ohio whether we have any law on the subject of the silver coinage of the United States except section 3513 of the Revised Statutes?

Mr. SHERMAN. I read that section.

Mr. McDONALD. Is not that the only law we have defining the present silver coins of the United States?

Mr. SHERMAN. Yes, sir. I read that.

Mr. McDONALD. Does not that leave out the old standard dollar entirely?

Mr. SHERMAN. Undoubtedly; but I say there has been none coined since 1853. The question of restoring that dollar is a question that is not in this bill at all.

Mr. McDONALD. Then the legal-tender act passed in 1873 applies to all silver coin?

Mr. SHERMAN. Yes, sir.

Mr. McDONALD. And limits the tender to the value of $5?

Mr. SHERMAN. Yes, sir.

Mr. McDONALD. And the purpose of this bill, as I understand it, is to strike out the trade-dollar from that provision?

Mr. SHERMAN. From the legal tender, simply because the trade-dollar is a mere form of bullion issued only on the demand of merchants and private citizens, and not for the interest of the United States.

Mr. McDONALD. So I understand; and it is legalized by the first section referred to, declaring it to be one of the silver coins of the United States.

Mr. SHERMAN. And the reason why it was inserted in this provision was because at the time it was issued it was worth two or three cents more than gold, and it was put among the silver coins for that reason. I again repeat that there is nothing in this bill except the exception of the trade-dollar from the legal tender; and that if this exception is not made, any private citizen can control the silver coinage of the United States by carrying silver bullion to the mints and demanding that it be coined into trade-dollars, now of less value than gold. It is manifest that this ought to be repealed, and the other questions that are spoken of by Senators will then properly come for consideration.

Mr. CHRISTIANCY. Will the Senator from Ohio allow me to ask a question?

Mr. SHERMAN. Certainly.

Mr. CHRISTIANCY. Why not remedy this difficulty by beginning at the other end? The trade-dollar approaches much more nearly the standard of gold value than our other silver coinage. It is therefore certainly better as a legal tender for the use of the people. The objection I understand to that is that it is coined without charging seigniorage. Why not from this time charge that seigniorage instead of beginning at the other end?

Mr. SHERMAN. When we issue a dollar we must issue it at the same value as two half dollars or four quarter dollars or ten ten-cent pieces.

Mr. CHRISTIANCY. Not if we provide otherwise.

Mr. SHERMAN. But you must make them all alike. You make two half dollars equivalent to a dollar, and four quarters equivalent to a dollar. You cannot adopt a coinage in which the largest coin is worth more in proportion than the others. The trade-dollar was never intended for circulation; it was simply intended for export.

Mr. CHRISTIANCY. Is it not now a legal tender to the amount of $5?

Mr. SHERMAN. Yes, it was made so, probably by mistake; but at the time the trade-dollar was provided for, the trade-dollar was worth more than the gold dollar.

Mr. CHRISTIANCY. And is now much nearer the gold value than the other coinage.

Mr. SHERMAN. The trade-dollar is now from ninety-five to ninety-six cents in gold.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. SHERMAN. I hope this matter may be disposed of.

Mr. JONES, of Nevada. I should like to say a word or two on this question.

The PRESIDENT *pro tempore*. Is there objection to continuing the consideration of this bill?

Mr. MORTON. I am satisfied that this matter will lead to discussion.

Mr. JONES, of Nevada. I wish to make an explanation.

Mr. MORTON. Very well.

Mr. JONES, of Nevada. In order to monetize silver, or declare the double standard, or carry out the views of the Senator from Missouri, it would be necessary to have a bill that should be harmonious in all its parts. This measure is designed only to protect the people of the Pacific coast, who are on a gold basis, from severe aberrations in the price of silver. They have been obliged to use a subsidiary or small coinage to make change with. In that small coinage the two half dollars contain but three hundred and eighty-five grains of silver; the trade-dollar contains four hundred and twenty grains of silver; but for the reason that the two half dollars were necessary and very convenient and portable, and were made a legal tender to the amount of $5, for the amount that was necessary to make the change of that community, sufficient of this debased coinage could be sold for gold and kept at a parity with gold because it cost gold and was necessary to make change with, and it did not disturb the relations between the retail and wholesale dealer of the Pacific coast. The trade-dollar was made when it was 2 or 3 per cent. premium over gold, but by a decline in silver the trade-dollar now is worth ninety-two, ninety-three, or ninety-four cents in gold. By having the trade-dollar a legal tender for $5, the full amount that the subsidiary coins are now a legal tender for, the effect is to degrade the two half dollars that had cost the citizen there $1 in gold, and upon which he was doing business. It degrades that subsidiary coin to the bullion value of the trade-dollar.

Mr. BOGY. Because it is not as pure as the trade-dollar; because it does not contain as much pure silver.

Mr. JONES, of Nevada. It takes it to the level of the trade-dollar. The subsidiary coin does not go below the trade-dollar, but nobody is going to use a subsidiary coin sold by the Government for gold when he can buy the bullion at its bullion value and get it coined at his own option at the Mint. Therefore it degrades the coinage.

Mr. BOGY. I will ask the Senator is the half dollar as pure as the trade-dollar?

Mr. JONES, of Nevada. It is as pure, nine-tenths fine, but is not half as heavy. The two half dollars contain three hundred and eighty-five grains of standard silver. A half dollar, supposing it were made on the basis of the trade-dollar, would contain two hundred and ten grains of standard silver. Therefore I say that, silver having fallen in value, the business of that community being done on a coin basis, and you allowing persons to buy silver and themselves take it to the Mint, the effect is to destroy the value of the four or five millions of subsidiary coins already purchased from the Government for gold at their nominal rate, dollar for dollar. It reduces the value of all subsidiary coins to the present bullion value of silver, and therefore disarranges the trade between wholesale and retail dealers, much to the inconvenience of the people of that coast. They have neither the one thing nor the other. They are on a gold basis for large transactions and on a silver basis without a scientific relation having been established by the Government between gold and silver for the subsidiary coin.

Then, while I am in favor absolutely of monetizing silver, while I am in favor of the double standard, yet I think it would be the height of wisdom to pass this measure, in order that the business of that coast may not be disturbed until such relation can be established and until we shall ordain some law here that gold and silver shall pass concurrently. This is absolutely needed on that coast because it is impossible to do business as at present neither on the one basis nor on the other. The subsidiary coins issued by the Government will pass if the privilege to private citizens to take their silver to the Mint and have it coined is taken away, or at least if the legal-tender clause in the bill authorizing it is taken away. Then the subsidiary coin will pass on a parity with gold, and hereafter on another occasion it will be time enough to introduce bills, and advocate them, restoring the silver dollar and declaring the double standard.

Mr. THURMAN. Will my friend from Nevada allow me to ask a question? I am very much struck by his explanation, which I understand to be this: that, inasmuch as the subsidiary silver coinage can only be obtained by paying gold for it, if you allow the trade-dollar to be used as a legal tender, which is worth less than gold, you have operated an injury on those who pay gold for the subsidiary silver coinage.

Mr. JONES, of Nevada. That is exactly the proposition.

Mr. THURMAN. I wish to ask the Senator whether in actual business $100 in half dollars will buy $100 in gold in San Francisco?

Mr. JONES, of Nevada. Undoubtedly, until this occurred. The legal-tender clause applied to the trade-dollar has already had the effect of degrading the subsidiary coins. The stream cannot rise above its source. Heretofore they passed concurrently with gold; that is the fact.

Mr. THURMAN. Does the Senator suppose that if the clause making the trade-dollar a legal tender were repealed, then in ordinary business $100 in silver would buy $100 in gold?

Mr. JONES, of Nevada. Without doubt, because the coins are being continually used up, lost, and all that sort of thing; and they must have change. It is necessary to do the business of the country; and no more of the subsidiary coins will be purchased for gold than will pass parallel with gold. What motive is there for anybody paying gold for a subsidiary coin when it is worth less than gold?

Mr. BOGY. With the proper value fixed between gold and silver, will not silver be taken as readily as gold?

Mr. JONES, of Nevada. I think so.

Mr. BOGY. Will not $100 of silver procure $100 of gold?

Mr. JONES, of Nevada. Undoubtedly.

Mr. BOGY. The trouble now is from the want of uniformity in the coinage, owing to the fact that the trade-dollar has one standard of purity and the other has a different standard?

Mr. JONES, of Nevada. Not that alone. The subsidiary coinage is only issued by the Government for gold, while the trade-dollar is issued to whoever holds silver bullion, so that any person who desires to do so can purchase silver at its bullion value and turn it into a legal tender.

Mr. BOGY. That is true, but it comes back to the original proposition, if your subsidiary coin was as pure as the other dollar there would be no harm in issuing it for gold.

Mr. JONES, of Nevada. It is not necessary to enter into the reasons for debasing the subsidiary coin. When the relations between gold and silver were established—sometimes gold being above and sometimes below silver—when they were established, not scientifically as the gentleman wants them established, it was found frequently that if you made the subsidiary coins of equal value to the trade-dollar, if you did not degrade them at all, then a little rise in the price of silver destroyed all your subsidiary coinage. Bullion-dealers bought them up and put them in the melting-pot, and the people of the country were not able to get small change.

Mr. BOGY. There could be no rise in silver if you established the relative value by law based on a certain purity of coinage.

Mr. JONES, of Nevada. On the contrary, I will state to my friend that under the double standard in France three times in fifty years did the relative value of gold and silver change. Why? Because the legal-tender value of gold in the country was greater than its bullion value, and therefore silver went out and *vice versa*. So it was three different times.

Mr. BOGY. That was owing to the fact that the legal-tender capacity was changed.

Mr. JONES, of Nevada. Not at all. No legal-tender capacity was changed at all. The market value of bullion changed, because of the great expense and the great time necessary for subsidiary coinage where the subsidiary metal was a little debased and the issue limited. Nobody would pay a gold dollar for two silver half dollars if they would not buy gold again.

Mr. BOGY. There is no difference to-day in France between gold and silver taken at the value fixed by law. The trouble here heretofore has been under the act of 1853 that we had fixed a lower standard than France for silver, and the consequence was silver went to France. By the act of 1853 there was no limit to the coinage of silver dollars. There were none coined in point of fact, but the law did authorize the coinage of silver dollars until 1873. Now there is no law authorizing the coinage of silver dollars, excepting it be the trade-dollar.

Mr. MORTON. I call for the regular order.

The PRESIDENT *pro tempore*. The unfinished business is the resolution relative to the Mississippi election.

Mr. SHERMAN. I give notice that I will call this bill up to-morrow morning.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1100) relative to the redemption of unused stamps;

A bill (H. R. No. 2300) to enable the Secretary of the Treasury to pay judgments provided for in an act approved February 15, 1876, entitled "An act providing for the payment of judgments rendered under section 11 of chapter 459 of the laws of the first session of the Forty-third Congress;" and

A bill (H. R. No. 2817) to regulate the pay and allowances of Army officers.

The message also announced that the House had passed a concurrent resolution relative to the distribution of the reports of the United States geographical surveys west of the one hundredth meridian, published in accordance with acts approved June 23, 1874, and February 15, 1875.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. No. 2262) establishing post-roads; and it was thereupon signed by the President *pro tempore*.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had this day approved and signed the following acts:

An act (S. No. 359) to incorporate the Washington City Inebriate Asylum in the District of Columbia; and

An act (S. No. 490) for the relief of Hibben & Co., of Chicago, Illinois.

THE MISSISSIPPI ELECTION.

The Senate resumed the consideration of the resolution submitted by Mr. MORTON December 15, 1875, as modified by him on the 27th instant, namely:

Whereas it is alleged that the late election in Mississippi (in 1875) for members of Congress and State officers and members of the Legislature was characterized by great frauds committed upon and violence exercised toward the colored citizens of that State and the white citizens disposed to support their rights at the election, and especially that the colored voters, on account of their color, race, or previous condition of servitude, were, by intimidation and force, deterred from voting, or compelled to vote, contrary to their wishes, for candidates and in support of parties to whom they were opposed, and their right to the free exercise of the elective franchise, as secured by the fifteenth amendment to the Constitution, thus practically denied and violated, and that such intimidation has been since continued for the purpose of affecting future elections; and whereas the people of all the United States have an interest in and a right to insist upon the enforcement of this constitutional amendment, and Congress, having the power to enforce it by appropriate legislation, cannot properly neglect the duty of providing the necessary legislation for this purpose: Therefore,

Resolved, That a committee of five Senators be appointed by the Chair to investigate the truth of these allegations, and to inquire how far these constitutional rights have in the said election been violated by force, fraud, or intimidation, and to inquire and report to the Senate, before the end of the present session, whether any, and, if so, what, further legislation is necessary to secure to said colored citizens the free enjoyment of their constitutional rights; and that said committee be empowered to visit said States, to send for persons and papers, to take testimony on oath, and to use all necessary process for these purposes.

Mr. BAYARD. Mr. President, on comparison of the original resolution with the substitute offered by the Senator from Michigan and accepted by the Senator from Indiana, relating to the proposed inquisition into the affairs of the State of Mississippi, I conclude there is between the two little or no difference. In truth, there is in the original resolution of the Senator from Indiana a reference to the election of a Senator of the United States which would seem to me to give the only color of justification to a proceeding of this kind; for there is an undoubted constitutional warrant for the Senate of the United States, as for the House of Representatives, to pass upon the elections, qualifications, and returns of members of the respective bodies; and, therefore, if there was any suggestion that this touched the election of a Senator, there might be on that ground some color of right for the appointment of a senatorial committee. But that is stricken from the resolution offered by the Senator from Michigan; and, therefore, we are to consider the resolution as it now stands. This would seem to be unusual and unprecedented in many respects. In the first place it is a Senate resolution. It calls for the appointment of a committee of five Senators. No reference is made to the existence of the co-ordinate branch of Congress; and yet the resolution proposes that this committee shall report to the Senate what "further legislation" may be necessary to enforce certain amendments to the Constitution of the United States.

Mr. President, when four years ago there was an allegation of the necessity for inquisition into the affairs of the Southern States generally, a committee was appointed for the purpose of preparing legislation of a coercive character; but it was a joint committee of members of the two Houses, the proportion of members being retained upon the committee. I was assigned to duty upon that committee, and took part in its labors, both in the original committee and in the subcommittees formed under its authority. I may well ask now, and I think it is a point to be noted, why is it when legislation is proposed as the result of this inquisition that you exclude the co-ordinate branch of Congress from being represented upon the committee? Is it intended to make legislation fitted for present affairs and conducive to present ends? Then as practical men you must consider the entire authority in whom the power to enact this legislation is reposed. If it be the design of the friends of this resolution that it shall be carried into effect, then they must provide such legislation as will be acceptable to the co-ordinate branch of Congress. Unless the measures of this body shall meet the approval and consent of the co-ordinate branch, the action of this body will be in vain. Therefore I say it is a strange commentary upon the present resolution that it excludes the other branch of Congress from the investigation which is proposed to be the basis of law, which law never can be enacted without the consent of the branch that is thus excluded from the investigation which is to permit the law to be enacted. Furthermore, this resolution commits this whole subject to five Senators, who are to report to the Senate before the end of the present session, so that it is intended that there is to be legislation by the present Congress; and the anomalous fact is presented that in contemplated legislation by the two branches of Congress, the Senate knowing that there is a difference in political party opinions between the two Houses, they exclude the House of Representatives from all participation in that which is intended to be the basis of legislation by both Houses. If it were intended to be the basis of law, then the information sought for should be obtained by a joint committee, as it has been always heretofore.

The resolution not only confines this committee to five Senators, but it proposes that the Senators shall examine into the election of members of Congress in the State of Mississippi. It is alleged that the late election in Mississippi in 1875 for members of Congress was characterized by great frauds. Here, then, we have the assumption upon the part of the Senate to examine into the election of members of Congress, which power and duty is confided by the Constitution to the House of Representatives alone, each House being the sole judge of the election, qualification, and return of its own members. Not only does it invade the privileges of the House, excluding them and their committees from this investigation upon a subject-matter committed to their sole and exclusive control, but it proceeds to examine into the facts attending the election of "State officers and members of the Legislature" of the State of Mississippi. This is a proposition never before advanced in the Senate. On the contrary, I

have been a witness oftentimes to the declarations of Senators, and especially of the Senator from Indiana, to the fact that the Senate must pause upon the threshold of the Legislature of a State, and are forbidden to enter into an examination of the qualification or election of those members, because, by the constitution of the States the two houses of each Legislature constitute the sole judges of the election, qualification, and returns of the members of that legislature. Here we have two clear invasions without precedent confided by the Constitution and our system of government to other bodies than this, and yet proposed to be conducted by this body separate and apart, without consultation with those who are to be affected by our action, and who must concur in the action of the Senate in order to give any force to it at all.

Another question might be propounded. Who has asked for this committee? What is its origin? Have petitions been presented from the State of Mississippi? Not one. Is any one here contesting the seat of the Senator-elect? No one. His credentials have been before this body, and are on file in the office of the Secretary, and are regular in form. No one is here to contest his right, and the strongest *prima facie* case exists when the time shall come for him to make his appearance and claim a seat. Is it proposed to try his right in his absence? Is it proposed to estop him by proof taken without notice to him or his knowledge? I can scarcely imagine this resolution would reach that point; and yet, if it is intended that this election shall be hereafter questioned, all I can say is that the resolution is improper in form and premature as to the time. Should there be hereafter a just cause to consider the legality of this election, I shall then consider myself bound to all the carefulness, the abstinence from partisan opinion, of a judge upon the bench, and I shall then hold myself ready to pass upon the qualification and returns and the proper election of any one who may present himself here as a Senator-elect from the State; but until that time does come I do not propose to make myself a party in the pre-examination of this case and the prejudgment of the right to a seat in this body.

Mr. President, I regret exceedingly the introduction of this measure, not only in its original form, but quite as much so in its present modification, and I regret that it has met the approval of so calm and judicial a mind as that of the Senator from Michigan, [Mr. CHRISTIANCY.] It has been to me a matter of surprise that he should have found (that which I have no doubt he believes he has found) constitutional warrant for the measure which he proposes. Whether he would have drawn this resolution if the late decisions of the Supreme Court of the United States had been known to him, I doubt, because I believe that a careful analysis of the results of those decisions would have assured him of the more than doubtful validity of any such attempts as are now proposed in the way of legislation to enforce the provisions of the constitutional amendments in question.

Mr. President, this resolution is a claim for the exercise of congressional power to interfere with the elections or the result of elections in a State. It is fraught with danger to the public peace and destructive of our federal system of Government. By this it is proposed to continue and expand a coercive system of centralized power in substitution for our American system of voluntary local self-government. Since the close of the war in 1865 this character of legislation has been unhappily adopted, and its operations have done more, in my opinion, to keep alive the ill-feeling and excitement generated by war between the people of the sections and the misunderstanding of their mutual feelings and interests and duties, than all other causes combined. The powers thus given to the officers of the United States have been grossly abused, and in many cases for the worst personal and party ends.

Why, sir, when one considers the mere money cost of these enforcement acts since their passage he will be shocked and surprised, and the country must be relieved by a decision which, if it did nothing else, saves the enormous outlays of money which were made under color of enforcing this law. Mr. President, remembering as I do the appropriations of money to support the so-called "Department of Justice" and to carry these enforcement laws into rigorous effect all over the country, I am shocked to think of the burdens so unnecessarily laid upon the people. Without having the figures before me, and desiring to keep entirely within a moderate estimate, I think I may truly say that millions upon millions, tens of millions of the money wrung by taxation from the people of this country have been expended to carry into effect these enforcement laws of Congress. Under the administration of the late Attorney-General Williams I forget the vast sums which were expended in North Carolina, in Arkansas, and other portions of the country, utterly disproportionate to the expenses in the State of New York, or Pennsylvania, or Ohio. The public documents, however, of that day disclose the truth; but what I have said with regard to the frightful aggregate of expenditure is literally and simply true.

Mr. BOUTWELL. Will the Senator yield for an inquiry? I understood him to say that tens of millions had been wrung by taxation from the people and expended for the execution of the so-called enforcement acts.

Mr. BAYARD. Yes; I think so.

Mr. BOUTWELL. Does the Senator know of any appropriations, single or many, amounting to tens of millions of dollars, or even to a single ten million dollars?

Mr. BAYARD. I will give the Senator the figures after I get through my speech. I do say to him——

Mr. BOUTWELL. I only desire to call the attention of the Senator to his statement now, because I think if it can be sustained we shall ask for the figures.

Mr. BAYARD. My statement will be very moderate, and I propose to sustain it. I have not the figures before me; but I think the Senator will be fully gratified by the results that I shall show him. There has been a most monstrous outpouring of the public funds, spent by deputy marshals numbered by tens of thousands through the southern country, by marshals who traversed the State of North Carolina with blank writs in their pockets to arrest and drag from their homes men for the purpose of making fees. All these are facts.

Mr. BOUTWELL. It will also be shown, whenever there is full inquiry made into this business, that whatever money was expended in those States for the execution of the so-called enforcement laws was money expended under the law for the protection of a people who were trampled under foot by the political associates of the Senator from Delaware, and that it was only an effort in behalf of human rights and equality of political rights.

Mr. BAYARD. Mr. President, I congratulate the Senator that he has succeeded in injecting into my speech, under the pretense of asking me a question, a simple little bit of his same political tirade which I have listened to often before. If he is satisfied with that honor he is welcome to it. I know that of which I speak. I was a member of the committee who did go to the Southern States and who knew something of the system of this enforcement of the laws, and I say it was not only a cruel enforcement but it was most shockingly expensive to the Government and people of the United States; that under the pretext of enforcing this law and of protecting personal liberty the most outrageous crimes were committed. Spies were employed by thousands. Look at the history to-day of the detective Whitley, running through the Southern States for the purpose of creating the very crimes which he afterward proposed to punish. I remember it all. All these things passed under my observation when I was upon this committee; and the report of the minority sent here to the Senate and the House will disclose the truth of what I have said. I merely repeat that, if nothing but the money-cost alone to the people be considered, these enforcement laws have been a great cause of suffering to the people of this country.

But, sir, it was not simply the money. The effects were worse than that. The power of intimidation confided thus to unworthy agents under these laws and used for party, political, and personal ends has cost this country much; it has done much to destroy that feeling of good citizenship and love of this Government which is after all our best security for peace and for prosperity. Sir, the class of men who flourished under these laws were petty tyrants and oftentimes men of the most infamous character. The powers they exerted were utterly undue and exerted for the sorrow and suffering of the people among whom they lived and the disgrace of the Government that intrusted them with such powers. How many men have been imprisoned; how many to-day languish in prison under judgments which, under this last decision of the Supreme Court of the United States, if it have the meaning which I believe it does have, must be declared to have been invalid! How many fines have been extorted from men illy able to bear them, which I trust yet will be brought before Congress for repayment, because the laws under which they were enforced will be adjudicated to have been unconstitutional and void!

No, Mr. President, the fruits of such legislation have been only natural; they have been loss, sorrow, and suffering; they have been destruction of that spirit of love of country which is, after all, the best and the surest guarantee we have for prosperity and for peace. At last, however, Mr. President, these laws have been brought to the touchstone of judicial construction. At last they have reached the court of last resort in this country, and have been tested by the constitutional limitations upon the power of Congress; and I say that, by my construction of the decisions of the Supreme Court now before me, in the time that I have been enabled to give to them, I consider that substantially the enforcement act of 1870, which is proposed to be followed in kind by the present resolution, has been declared to be without constitutional warrant, and that the "appropriate legislation," whatever that may be, has never yet been enacted by Congress.

Mr. CHRISTIANCY. Will the Senator allow me to ask him one question? Does not the Supreme Court of the United States in that Kentucky case expressly hold that Congress has the power to adopt appropriate legislation, but has simply failed as yet to adopt it?

Mr. BAYARD. The Supreme Court of the United States in the case of The United States *vs.* Hiram Reese and Matthew Foushee, in considering the enforcement law of 1870, after treating of the limitations on the power of Congress, declare, (I read from page 3 of the opinion:)

> We are, therefore, directly called upon to decide whether a penal statute enacted by Congress with its limited powers, which provides in general language broad enough to cover wrongful acts without as well as within the constitutional jurisdiction, can be limited by judical construction so as to make it operate only on that which Congress may rightfully prohibit and punish. For this purpose we must take these sections of the statute as they are. We are not able to reject a part which is unconstitutional and retain the remainder, because it is not possible to separate that which is unconstitutional, if there be any such, from that which is not. The proposed effect is not to be attained by striking out or disregarding words that are in the section, but by inserting those that are not now there. Each of the sections must stand as a whole or fall altogether. The language is plain. There is no

room for construction, unless it be as to the effect of the Constitution. The question, then, to be determined is, whether we can introduce words of limitation into a penal statute so as to make it specific, when, as expressed, it is general only.

They pass on to consider the danger of such an attempt by the court and say:

The courts enforce the legislative will when ascertained, if within the constitutional grant of power. Within its legitimate sphere, Congress is supreme and beyond the control of the courts, but if it steps outside of its constitutional limitations and attempts that which is beyond its reach, the courts are authorized to, and when called upon in due course of legal proceedings must, annul its encroachments upon the reserved power of the States and the people.

To limit this statute in the manner now asked for would be to make a new law, not to enforce an old one. This is no part of our duty.

We must, therefore, decide that Congress has not as yet provided by "appropriate legislation" for the punishment of the offense charged in the indictment, and that the circuit court properly sustained the demurrers and gave judgment for the defendants.

Without undertaking to say in this exceedingly cautious and carefully stated opinion of the court what would be their decision at another time or upon other statutes, I do state that considering these sections of the statute they have declared that there has been no appropriate legislation by Congress as yet. That shows that laws of this spirit and intent cannot successfully be passed again by Congress with the expectation of being sustained by the Supreme Court.

My honorable friend from Michigan has drawn my attention to a part of this opinion which I had marked myself for reference. I understood his question to be whether the Supreme Court had not recognized distinctly the power of Congress. In my opinion they have not distinctly recognized it, because the broad question is this: Those who construe the Constitution as I do would say the fourteenth and fifteenth amendments were inhibitions upon the States and upon the United States from discriminating in the one case against the general rights of the citizen under the Constitution and in the other as to the right of voting between citizens on account of race, color, or previous condition of servitude; that when those inhibitions had been transcended, then it was time for the courts of the United States to declare such law, either of the Federal Government or of a State, to have been violative of the Constitution and consequently null and void. But others contend there has been a grant of substantive power by the fourteenth and fifteenth amendments to Congress; that, in the sections which give to Congress at the end of the fourteenth and fifteenth amendments the right to enforce these amendments by appropriate legislation, this phrase contains a substantive grant of power to Congress. This view is urged, although the same language precisely is found all through the original Constitution, and Congress is given in the first Article power to carry into effect by "appropriate legislation" all grants of power, and the language of the grant at the end of the fourteenth and fifteenth amendments is precisely the same as that found in the body of the original Constitution, which never was supposed to have the force of being of itself a separate and distinct grant of power, but was to be construed always in connection with the express grants with which it was allied. Therefore, unless these two amendments, irrespective of these words, contain grants of substantive power, in my opinion it is unjust, and it will be found logically destructive of our federal system of government if they shall be construed to contain such substantive grants of power as will be in effect repealing clauses not only of many of the most important features of the Constitution that precede them but of the very Constitution itself, because it cannot be denied, if the premises be admitted, that it gives to Congress a power which if followed to its natural conclusion would destroy the federal features of our Government and reduce the existence of the States to mere nonentities.

But, sir, I desire, as my attention has been called to it by the Senator from Michigan, to read the language of the court on that point:

The fifteenth amendment does not confer the right of suffrage upon any one. It prevents the States or the United States, however, from giving preference, in this particular, to one citizen of the United States over another on account of race, color, or previous condition of servitude. Before its adoption this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, &c., as it was on account of age, property, or education. Now it is not. If citizens of one race having certain qualifications are permitted by law to vote, those of another having the same qualifications must be. Previous to this amendment there was no constitutional guarantee against this discrimination. Now there is. It follows that the amendment has invested the citizens of the United States with a new constitutional right which is within the protecting power of Congress.

What does that sentence mean when construed together? It states that the fifteenth amendment confers no right to vote, but it prevents the "States or the United States" from giving preference. How can a State give preference but by law? How can the United States give preference except by law? The protecting power of Congress has to be exerted in carrying out that right, whatever it may be. Now the measure as to what *is* "appropriate legislation" to protect is the very gist of this whole inquiry. Certain it is that the attempts to protect heretofore made by the Congresses of the United States, in the judgment of the Supreme Court were not "appropriate," and the laws under which these indictments were found not being appropriate legislation and within the limits of the Constitution, were absolutely void and the men charged under them were ordered to be set at liberty.

I do not say what may be argued hereafter or what, when a new statute shall be framed, will be found to be the definition of the power of Congress to protect this inhibition placed upon the States and the Government of the United States for the protection of the right to vote; but I do say that as far as existing law is concerned they have said that this is not the appropriate method of carrying it into effect. It seems to me that the reasons they have given will justly apply to the spirit and intent of this resolution. The court say:

That right is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. This, under the express provisions of the second section of the amendment, Congress may enforce by "appropriate legislation."

I submit to my honorable friend from Michigan that when he comes to reconsider his own resolution, he will find that the Supreme Court have in these opinions "as to the election of members of Congress or State officers and members of the legislature, and upon violence toward colored citizens of the State, and toward white persons disposed to aid those colored citizens at the election," expressly decided adversely to such a claim. The only question left for him upon which he can hang an argument in favor of any legislation of this character would be that which he has designated as the especial reason, to wit, that "the colored voters, on account of their race, or color, or previous condition of servitude, were deterred from voting, or were compelled to vote contrary to their wishes." There, and there alone, can there be any possible question, because as to what precedes in the resolution, the language of the Supreme Court is directly adverse.

Mr. President, I do not propose to take up the time of the Senate or fatigue myself by a criticism of these opinions. I merely wish to state their substantial effect upon present legislation and upon legislation of the character proposed now to be continued. I do hope that there will be no ingenious attempts made to escape from either the letter or the spirit of these decisions.

Sir, the experiment of congressional or executive interference with and of coercion upon the people of the States has been made very often, and never but with pernicious results. I do hope the Senate will respond to what I believe to be the sentiment of the country, and let us now try once more the policy of abstaining from interferences for this whenever carried out has been productive of nothing but what is desirable and useful. Take the case of the State of Virginia; take the case of the State of Texas. Interference was proposed; and fortunately was withheld. What was the result? Prosperity, peace, happiness, order, and good government. The people of this country to-day are benefited, greatly benefited by the presence in either Hall of Congress of men worthy of public trust. I am perfecty sure that every member of the Senate will agree with me when I say that the gentlemen who have come here under this *régime* which has been established in these States, unmolested and under their own laws, have met the esteem and confidence of the Senator from Indiana as they have of the entire country. On the contrary, if you wish to see the ill effects of interference, look at the State of Louisiana; witness there the condition of industrial and business pursuits—look at the temper of the people, look at all the ruin and trouble that have grown with every renewed interference either by the Executive or by Congress in the affairs of that State.

Mr. President, do not let us forget that this Government of ours was intended to be a government of law which all will obey, laws emanating from the will of the people, to which they lend voluntary support when once established; State laws for all domestic and internal affairs of a State; United States laws for all external purposes and the general purposes of the Union. The courts of the United States are open to all; all men are equal before the law; the same judges decide; they apply the same rule for the rich and the poor, the white and the black, in every State in this Union. The law of enlightend self-interest will compel peace and order in any community, for they are essential to prosperity and safety. Justice is essential; security before the law is essential; and industry and all that gives value to property, or protects either, will fly from a community where violence, outrage, injustice, and oppression prevail. Self-interest must of itself purge any community of its outlaws whose rule is destructive of all that good men value.

I trust, therefore, sir, that guided by the light of these last declarations of judicial opinion in respect of this character of legislation, guided by the light of experience in respect of the consequences of such legislation, Congress will abstain, and neither in this irregular nor in any other manner proceed further upon the doctrine that it is the duty of the United States to seek out and punish every infraction unasked of each man's individual rights, and for the assertion of which he has already wide and abundant avenues. The laws of the State give protection. The Constitution of the United States is the supreme law of this land, and all laws made in accordance. Surely in the State of Mississippi there can be no doubt that the whole machinery of the State government has been in the hands of the political party to which the honorable Senator from Indiana belongs and in behalf of whom this movement is made. Every official until this last election, and even to-day the members of her judiciary, were all appointed by an executive who was allied with the republican party. The judges of the courts of the United States we know were appointees of the present Administration; every district attorney, every marshal, every juryman, all are secure in their hands.

Mr. President, it is declared in this resolution that—

The people of all the United States have an interest and a right to insist upon the enforcement of this constitutional amendment, and Congress, having the power to enforce it by appropriate legislation, cannot properly neglect the duty of providing the necessary legislation for this purpose.

Sir, the people of the United States have an interest in the maintenance of law and the preservation of the Constitution; but I do not know that they are more interested in the enforcement of rights under the fifteenth amendment than they are in the rights guaranteed by the fourth and fifth amendments of the Constitution. Personal liberty, the right to be secure in your persons and papers against seizure without due process of law, the right of trial by jury, to be confronted by witnesses—all these are rights which have been violated over and over again in all these States, and violated by administrations of Government entirely in accordance with the views of the Senator from Indiana. Therefore, while I recognize the right, yet where is the necessity for legislation until it has been assailed, until it has been proved that the machinery of the States—who, as the Supreme Court of the United States say, are the proper guardians of these rights—has proved ineffectual? Hearken to their language, on page 4 of the opinion of The United States *vs.* Cruikshank and others:

> The equality of the rights of citizens is a principle of republicanism. Every republican government is in duty bound to protect all its citizens in the enjoyment of this principle, if within its power. That duty was originally assumed by the States, and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right.

That is to say, where no law of a State denies the right, but the protection remains where it was found in the States:

> This the amendment guarantees, but no more. The power of the National Government is limited to the enforcement of this guarantee.

What was the guarantee? The guarantee was this: "The only obligation," says the court, "resting upon the United States is to see that the States do not deny the right," but that the duty was "assumed by the States, *and it still remains there*" to protect the right. Sir, under that rule what is there that makes it "*especially*" the interest of the people of the United States to pick out this portion of their population, the colored people, and to insist that their especial rights are to be followed up by this character of legislation, because, I will take the language of the resolution; it is that these five Senators are to inquire "how far these constitutional rights have in the said election been violated by force, fraud, or intimidation?"

We are told that the only guarantee of the United States that they are bound to carry out is the single one of seeing that a State does not deny it. There is no pretense that Mississippi has denied this right; none whatever. At times it is alleged that there has been intimidation by individuals which interfered with the free exercise of the right of suffrage. If it be so, the courts are open for redress in every case; and should a judge declare in a State court that the plaintiff had no right of action because of race or color, such a decision taken to the Supreme Court of the United States would be declared to be invalid, and the case remanded for proper judgment, and the right would be so enforced. If it should come that the State should by law attempt to discriminate, the law brought before the courts of the State or of the United States must necessarily and finally be declared to be invalid; and when the Government of the United States have done that, then their only guarantee has been fulfilled.

Then, Mr. President, to take this allegation that there is a special duty devolving on Congress because the people of all the United States have an interest in this fact, and to say that therefore there is a duty of legislation, would be to state but a truism. The question would be whether you are to undertake to legislate in respect of rights which are confided to the State for protection. The court say in reference to these rights:

> For their protection in its enjoyment, therefore, the people must look to the States. There is where the power for that purpose was originally placed, and it has never been surrendered to the United States.

Now, Mr. President, I have said all that I think necessary in regard to the dangerous effect of this proposed legislation and its line of adverse action to the spirit as well as the letter of the decisions of the Supreme Court of the United States. Even had this resolution been offered before those decisions, I should have thought it dangerous and harmful; but offered, as it now is, in the light of those decisions, I feel that there is not only a renewed duty on me to bring those decisions before the Senate, but to commend them earnestly and respectfully to those who may have before they were made thought differently as to the power of Congress on this subject.

Mr. President, I do not propose to reply to the elaborate indictment against the people of the Southern States of this Union which the honorable Senator from Indiana has filed here against them in a speech running through several days at the present session, and beginning with the resolution offered by him on this subject. It is true that Mississippi was the *nominal* point of his attack, but as it grew in bitterness it also grew in area, until it assailed the white population of all the States south of the Potomac. Nor were men of this day alone sought to be inculpated, but the faults, the follies, and the evil doings which the grave was supposed to have shut from men's memory, as well as their sight, have been exhumed, and revived, and held up to ridicule and denunciation by the honorable Senator from Indiana.

The sins of the fathers have been sought to be visited upon their children, not in the course of divine justice, but by a mortal as weak and faulty as those who are the objects of his denunciations. In his assault he has omitted nothing calculated to hold up these communities of his fellow-countrymen to obloquy and disgrace. Everything that could stain their repute, every charge that could tend to humiliate them before the country and the world or to exasperate their feelings, has been gathered with a cruel deliberation and unsparing diligence, and published by the Senate with the widest dissemination. What answer should be made to this and by whom should it be made? There are times when reckless assault and calumny are best met by a dignified silence on the part of the assailed. But in the present case I believe the best answer to the Senator from Indiana will come from the great and honest heart of the people of the great Western and Northern States and who are not the objects of his attack.

Will not every fair and just-minded man in the whole country say, when he reads this wholesale abuse and railing accusation of the Senator from Indiana: Why should this be? The Senate Chamber is the council chamber of the States of the Union; they meet here as equals for the common purpose of general legislation; to pass laws for the general welfare; to guard and advance the public credit, and strengthen the ties of Union between the States. And can such ends be subserved when the representative of one State shall, of his own motion, without any delegation of authority, without even a petition from a citizen, in the absence of any contest as to an election, rise here in his place and pour forth day after day volleys of charges not sustained by even *ex parte* affidavits of individuals, but the garbled and anonymous extracts from newspapers, all calculated to inflame popular opinion against an absent, unrepresented community, all tending to insult and mortify Senators compelled to attend these sessions, and to degrade and disgrace the States of this Union before the civilized world. What can be the effect, the only effect and result, of such a course? Can it be otherwise than disastrous to our own interests? Have not we seen already the leading officials of the late administration of Mississippi, in whose interests and behalf these charges were made and to stay whose fall they may possibly have been intended, pleading guilty of misdemeanor, as in the cases of Ames and Cordozo, by resigning in order to escape the consequences of imprisonment, or else awaiting a conviction under the almost unanimous verdict, without respect to party, as in the case of the bribe-taking lieutenant-governor?

Now, sir, it is well known that under those proceedings for impeachment it was perfectly proper and perfectly competent for the whole condition of the affairs of Mississippi and the late election to be opened up. There would be no difficulty upon that subject. The late governor of that State is a man of intelligence and force. He was educated at the expense of the people of this country as a soldier, and I believe was a brave and intelligent one. He had employed, and had the means to employ, able counsel. We know that he was so represented. Why should it be, then, that when the opportunity occurred in the proper form, in the very vicinage where these alleged wrongs were committed, that opportunity was not taken by him and by his political friends to hold up to the world the alleged terrible condition of that State and its internal affairs? Yet nothing of the kind was done. Why, Mr. President, there has not been to my knowledge an attempted contest for any seat in the other branch of Congress growing out of that election. There has not been an attempted contest of election in that State for any office in question. Why should it not be? We do know that there have been contests during the present session in the other House of Congress in which colored men have been awarded their seats, colored republicans, because it was held by a fair committee that they were entitled to them over their white democratic competitors. If this alleged fraud and intimidation had been so overpowering, why was not the attempt made by the usual methods and in the proper avenues of law to expose it, to hold it up before the people of this country? No party can gain strength by injustice; and if upon a fair showing any committee or any majority of either branch of Congress shall exclude a man fairly entitled from his seat, they will lose more by popular reprobation than they ever could gain from such injustice by exclusion. Sir, in regard to what does not appear and what does not exist the rule is the same, and where there was full opportunity for this discussion, where there was full opportunity for the most complete exposure of these alleged wrongs, why is it that it is left to the Senate of the United States, unasked, unpetitioned, and, as I consider, unauthorized, to enter into that State and hold an inquisition upon the domestic and internal affairs of that people?

Nay further, Mr. President, it is well known to the Senate and to the country that the late governor of Mississippi, Ames, who has just, according to the newspapers, resigned his place to avoid impeachment pending his trial, had correspondence with the President of the United States and the Attorney-General in respect of alleged disturbances in Mississippi during last autumn, that they made examination of the facts, and that neither the President nor the Attorney-General felt justified in granting him the military aid he asked to carry on the election in the presence of armed force. The President of the United States has sent to Congress sundry messages; during the present session his annual message at the opening of the session contained not one word of reference to this direful and terrible state of affairs which is alleged upon some unknown authority to have existed in the State of Mississippi. Could he as a just and honorable man have omitted to state when called upon by the Constitution to inform Congress of the state of the Union—could he in the face of such outrages have remained silent if such outrages existed? And who had better opportunities for knowing, or who would have been more likely to have announced them? Sir, it has been said that the

Postmaster-General and the Attorney-General sent emissaries into the State of Mississippi during the last fall for the purpose of examining into the state of affairs, and that reports have been made by them, and that these reports do disclose nothing of the kind alleged in this resolution. I had it in mind at one time to introduce here a resolution to inquire of the Postmaster-General or Attorney-General if such written reports were not in their respective Departments. But would it not be a gross defalcation in duty if with this state of affairs existing in the fall of 1875, with the known relations of the then State administration toward the present Federal Administration, the facts should not have been known and should not have been brought before Congress? Surely, sir, if they did exist, it seems to me there must have been default upon the part of the Executive in failing to communicate them.

But, Mr. President, will not the calm judgment of the American people be that condemnation and not approval should await the Senator who uses his position here to utter such charges against the constituencies represented by other gentlemen upon this floor as must in the nature of things provoke angry retort, indignant denial, or possible recrimination? Sincerely I trust that none of these things will follow, but that the charges so made, unbacked by any due authority, will be suffered to fall unheeded by those against whom they were leveled. If this is to be a Union of States bound together by the ties of interest and affection, cemented by memories of a common ancestry and the hopes of a glorious and happy future, then such assaults must cease, and a sound public opinion must set upon them the seal of its reprobation. But as this present resolution is now before us, I propose to apply the test of the opinions of the Senator from Indiana himself, as deliberately stated by him on a former occasion in writing, and submitted as his report to this body. I read from page 73 the views of Mr. MORTON in the Louisiana investigation:

> The theory of our system is that every State government possesses the power and machinery to correct the wrongs and frauds within itself practiced under color of or in open violation of its own laws, and that the decision of its own tribunals, created by its constitution and laws for such purpose, must be received as final. When the constitution of a State provides that each house of its Legislature shall be the judge of its election and qualification of its members, full faith and credit must be given to their action; and should the Government of the United States go behind their action to inquire whether the members have been lawfully elected to the Legislature, their independence would be wholly destroyed and the validity of their action made to depend upon the will of Congress. So, when the laws of a State have constitutionally created a returning board to ascertain who are elected State officers and members of the Legislature, if Congress may go behind the decision of that board and inquire whether they had the returns before them, and whether they were acting in accordance with the laws of the State, the election of State officers and members of the Legislature would be placed absolutely under the control of Congress.
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> The Constitution says that "the Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years." The manner of constituting the Legislature is left absolutely to each State, and the question of its organization must be left to be decided by such tribunals or regulations as are provided by the constitution and laws of the State; and the only question about which the Senate may inquire, in determining the admission of Senators, is whether they have been chosen by the Legislature of the State—that Legislature recognized by the State, or whose organization has been accepted by other departments of the State government. Under our complex system of government all questions of the organization of State governments, under their own laws, must be left to the decision of the tribunals in such States, created for that purpose; and when such decisions have been made, they must be accepted by the Government of the United States in their dealings with such States. It is no answer to this to say that, in a particular case, such tribunals will or have decided wrongfully. The Government of the United States has no right to review their decisions so long as the State possesses a government republican in its form.
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> The doctrine that all questions of election, arising exclusively under the constitution and laws of a State, must be left to the settlement and determination of the proper tribunals created by the State for the adjustment of such matters, was distinctly recognized by the Supreme Court of the United States in the celebrated case of Luther *vs.* Borden, growing out of the attempt in the State of Rhode Island to overturn the old charter government and establish a new one in its stead. In that case the Supreme Court said: "The point then raised here has been already decided by the courts of Rhode Island. The question relates altogether to the constitution and laws of the State; and the well-settled rule in this court is that the courts of the United States adopt and follow the decisions of the State courts in questions which concern merely the constitution and laws of a State."

On page 75 he states:

> This whole affair, on both sides, is unfortunate and painful, and if Congress could, without exercising a dangerous power and establishing a perilous precedent, set aside the election and provide for a new one, with security that it should be fair, it would be far more satisfactory to the people of the whole nation. Murder is the highest crime; but it is not every court that has jurisdiction to punish it, and one court cannot assume such jurisdiction upon the ground that another to which it has been granted will not properly exercise it; and Congress has not the jurisdiction to examine and redress every great wrong that may take place in a State. Where by the constitution and laws of a State legal remedies are provided for the redress of all wrongs that may take place in regard to elections, it would be inconsistent with the independence and integrity of the State governments for the United States to interfere and assume jurisdiction upon the ground that the State tribunals have acted wrongfully and fraudulently, or will so act. The Government of the United States is not a Don Quixote, going forth to hunt up and redress all the wrongs that may be inflicted upon the people in any part of the country; but is a Government limited and restrained in its jurisdiction by the charter of its creation, and that charter distinctly recognizes the existence of State governments to be constituted legally by the States themselves, subject only to the provision of the higher law that they shall be republican in form. This doctrine in nowise recognizes the blood-stained theory of State sovereignty, which has been the evil spirit in our political system, and to which the present troubles in Louisiana may be traced back, but springs from the great fact that the States have a vast body of rights distinctly guaranteed and recognized by the Constitution of the United States, and that among these is the right to constitute their own Legislatures, and determine by their own tribunals the legality of their organization.

Mr. President, how in the face of the declaration of such doctrine as this the honorable Senator can find it within his power to institute such an inquisition for the purpose of examining into the election of members of Congress and of State officers and of members of the State Legislature, and as he himself proposes to do this for the purpose of obtaining testimony in respect of the election of the Senator who was to be chosen by that Legislature, is more than I can see. He may possibly recognize it, but I do not think the Senate can recognize the consistency of his two positions. Perhaps that is of less importance, because the consistency of an individual is a matter more personal to himself perhaps than important to the country; and yet it ought to affect the people of this country before whom the able and ingenious arguments of the Senator go, colored and heightened by such addresses as this which I find headed in the most startling manner, for the purpose of throwing obloquy upon his political opponents and bringing utter discredit upon the community where these things are alleged to have taken place. If he could give utterance to such opinions in regard to Louisiana in 1873, I merely ask him to apply the same doctrines to Mississippi in 1876. If he does so, then he will be compelled to oppose his own resolution.

But, Mr. President, I plead to-day for peace and for union among our States and all the people of all the States. Standing as now we do upon the threshold of the second century of our existence as a republican people, rejoicing in all the happiness we have secured under our experiment of popular self-government, let us gather from our sorrows and mistakes new and wise counsel, and resolve to avoid in the future the rocks upon which we have so nearly split in the past. Our task is not an easy one, but one which calls for all our care and all our self-control, all our wisdom and mutual forbearance. We floated for many years upon a smooth sea of unbroken prosperity with a superabundant revenue, which only forty years ago had actually created a surplus in the Treasury which was divided among the States—a nation without a farthing of public debt. Such was our condition in 1836. What a blessed and marvelous exception! Sir, we can say this no longer. With a vast increase of population no longer homogeneous as at first, but composed of men of nationalities differing as widely as men can differ in their habits, capacities, and dispositions; with soil, climate, and production within our national jurisdiction of every conceivable variety, the necessity of local self-government is made more and more apparent as our development in industries continues.

From a fearful struggle, a civil war of awful magnitude and appalling consequences, our people have just emerged, still possessed, thank God, of a common country and a common Government. One result of the war is a public debt greater in proportion to the accumulated property of the people than any of modern times, and this debt made heavier, less manageable, more distressing in its burdens by a confused and false system of currency and finance. Financial errors and mismanagement have led our people into the morasses of a false and fictitious prosperity. We have followed false lights and have been allured by that will-o'-the-wisp, paper money, into great difficulties in which the industries of our people are now floundering and which threaten wholly to ingulf our prosperity for the present generation unless wise measures are adopted. For our common relief we need the common aid—the aid of the hand and the heart of every patriotic American. We can afford to lose none. Every man must be encouraged to bring his tribute of duty, love, and patriotic service to the altar of his country.

It is no time for denunciation of one State or section of the country by another. The man who does it is a foe to public credit, as dangerous or more so than if leading an armed assault upon our shores. The political party that assents or permits it to be done is not safe to be intrusted with the control of public interests. The assault upon the fair fame and good name of any State or number of States is an assault upon the credit of all, and will cause trust and confidence to be withheld from all. This resolution, if adopted, will be made the basis for such an assault, and can have no other effect. It is indeed "a perilous precedent," as it was styled by the Senator from Indiana; like the horse of Troy it bears armed foes within its body. Political power ebbs and flows like the sea. To-day it is with you, to-morrow it may be against you.

The affairs of New Hampshire and her mode of conducting elections may, under the rule of this resolution, be investigated by some future Senate committee. The elections in New York may be ruled by corrupt canal rings or the will of her people thwarted by an enormous and overgrown army of custom-house officials. Will any one here be willing to make such allegations the pretext and basis of investigation for the purpose of meeting such wrongs by Federal legislation?

Sir, we cannot embark upon such a system. We must leave such matters to be dealt with by the uprising of an honest public sentiment in the States where the wrongs occur and whose laws must protect the people in their rights. The polls are open. Let each man there freely express his views. He can do it, and if misgovernment exists in a community having the power of self-government uninterfered with by external force, then the fault is easily to be brought to its proper home and can be cured by natural and proper means. Sir, I cannot believe the sober second thought of the American people will permit the ambitions of any man or any political party to stand in the way of the prosperity and happiness of our people, and that any measures tending to reproduce the excitements and pernicious effects from which the people of the Southern States have suffered so dreadfully since the war closed in the spring of 1865, and which have

so reacted upon the prosperity of the whole country, will ever receive public sanction in any portion of the country.

Never did a phrase awake a louder echo in human hearts than that which bore the present Executive into power: "Let us have peace." I will not pause to consider how he has used that power so confided to him, but I will repeat from my heart the words he then used: "Let us have peace; let us have an end of executive and congressional interference with the elections in the States and the local affairs of the people of the States; and then, and then only, will we have that peace which is essential to heal the wounds of war and bind our fellow-countrymen in a real, a permanent union of interest, of feeling, and patriotic devotion."

Mr. BOUTWELL. Mr. President, it has been the rule of my life whenever I have given offense to any one, to defend or explain what I have said or apologize for it. The Senator from Delaware was pleased to say, under some excitement I think, in response to a suggestion from me, (which meant only this: that I thought he would find it difficult to sustain the statement he had made,) that I had succeeded in injecting into his speech a bit of political tirade such as he had often before listened to. I do not stop to consider the delicacy of that language, its appropriateness to the Senate, the quality of urbanity which it takes from the character of the Senator who pronounced that phrase, but I think the difficulty was in this: that I disturbed the harmony of his speech, and therefore disturbed him. I do not know but that this is a school in which manners are to be taught, and that the Senator from Delaware is self-constituted or otherwise authorized to teach good manners to his associates; but while he stands here peculiarly, in his own estimation, a non-partisan, having, as he has told us this morning, the judicial fairness of the bench to pass upon political questions which agitate the country, it might be well for him to illustrate his theories by an example now and then of the way in which those theories can be put in practice and commended to other people. I am neither a scholar here nor a teacher. I submit myself to argument, to reasoning, to justice; but I do not submit myself to the authority, to the dictation, to the schooling of the Senator from Delaware, or any one else. If the Senator desires to teach, let him find his pupils elsewhere, especially in teaching manners. There is an old English article upon truth and integrity, which commences, as I remember it, in this way: "Truth and integrity have all the advantages of appearance, and many more."

This great truth applies to individuals. It applies here. It is applicable to-day; it is applicable to the country; and in what I purpose to say I speak of it only in its application to the country. For seventy years the spirit of hypocrisy and misrepresentation dominated over the slave-holding section of this confederacy. They continually presented themselves to the country and to the world as the friends of the Union, and it was a lie from first to last. They were the enemies of the Union; and when the Union did not answer the chief purpose which they had, and the only purpose they had, the preservation of the institution of slavery, they made war upon the Union. The Senator from Delaware was the political supporter and ally and the substantial defender of the men who made war upon the Union, who clung to the Union for seventy years under the falsehood that they were its friends. They were its enemies all the while. Slavery, the spirit of slavery, is and ever has been the enemy of the Union, and it is so to-day. The troubles in the South are due to the spirit of slavery, and the time has come when I am forced to confess to myself and with reluctance to say here that I do not in my heart believe that any man educated under and obedient to the influence of slavery can be the friend of a Union that is designed to establish and preserve equality. The North will do well to take heed and to trust no man who was brought up under the influence of slavery, controlled by its spirit, and dominated by its power, and is not yet extinct.

Is it not something that after having defended and preserved the Union, the republican party gave political rights to the men who had made war on it for four years, who crimsoned the face of the whole country with blood? Was it not something? Those very men to-day, fresh from fields of treason and of blood, are engaged in investigating the conduct of the war by which they were prostrated. The Senator from Delaware, under the sanction of the opinion of the Supreme Court rendered on Monday last, looks to the time when the Ku-Klux, some of whom were fined and others of whom are imprisoned, are to have their fines returned from the Treasury of the United States and the doors of the prisons opened that he and his friends may welcome them. They are imprisoned because they did the behests of slavery; because they obeyed the policy of the ancient democratic party: because they submitted to the spirit that always controlled that party, that controls it to-day.

Does the Senator from Delaware expect an uprising of the people of the North to defend his friends in the South? Let him beware of November. The people of this country are already awake to the truth that the spirit of the rebellion which they supposed had been subdued by war is still powerful in the South; that it oppresses four million human beings; that it instigates outrage and wrong; that there is no freedom in those States for people who are not identified with the old slaveholding aristocracy of that section of the country. No, sir; if the people of this country fail to do their duty the Government is lost. If they fail to overthrow the democratic party by a vote so overwhelming that there can be no excuse for bribery, for falsehood, for double returns, this country a year from this will be involved in another civil war. Nothing but an overwhelming vote of the people, from which there can be no appeal by traitors, will save us from civil war. We are nearly in the same condition that we were in 1860 and 1861—eleven States without the power of free elections; and you call this a free Government, and appeal to us for union, for concession, for friendship, for justice! The democratic party to-day has the power it had during the war. If at any time during the war the democratic party of the North had said, "This war must cease; we will give no aid or comfort to the democracy of the South in their attack against this Government," the war would have ended. If you who co-operate with the democracy of the South will say to them, "Do justice to the negro people there; give them their rights, civil, social, and political," all occasion to appeal to the North for justice, for sympathy, for co-operation, for support, will pass away. There is no feeling in the North but a desire that you should be just to the people of the South, to the black man. We can take care of ourselves. We will co-operate with you when you do justice to those who sympathize with us; but, so long as you trample under your feet 4,000,000 people entitled to rights under this Government equivalent to your own, can you expect us to forget these outrages upon our fellow-men and take you by the hand and say, "We are brethren, citizens of a common country; let the past be past, and by-gones be forgotten?" Injustice cannot be forgotten. The democratic party of the North is to-day responsible for the outrages perpetrated upon the black men of the South, and they have been responsible from first to last. Their appeals to me are vain. When they do justice then there will be harmony; but until they do justice there can be no peace. "Let us have peace," said the President. Why did we not have peace? Because the political associates of the Senator from Delaware dominated over the southern country, defied the laws, oppressed, persecuted, and murdered citizens; and now they appeal for peace.

Mr. BAYARD. In a portion of the remarks submitted to the Senate this morning I made a statement in respect of the cost in money to the people of this country as a result of the enforcement acts, the constitutionality of which has been so questioned by late decisions of the Supreme Court of the United States. I stated at the time that I had not the figures before me, but I believed that millions upon millions had been spent.

Mr. MORTON. The Senator said "tens of millions."

Mr. BAYARD. I believe I did, but I stated distinctly that I had not the figures before me, and said that I believed that to be the case. I was interrupted by the Senator from Massachusetts with a question in regard to my authority for this statement, I having previously stated that I made this remark upon an estimate and without having the figures before me. Under the pretext of the question, the Senator proceeded in a very rabid, in a very angry, and, as I consider, a very improper manner to avail himself of my having yielded to him the floor as a matter of courtesy to ask me a question, to make what I called a political tirade; and I think upon examination it will be found that my description was exceedingly accurate. I am not at all disposed to withdraw the designation which I then gave to his language. Since that time he has indulged in another. He has cleared his heart of a good deal of that black bile that seemed to rest upon it toward the people of the southern country, and toward those of us here, or me in particular, whom he considers their associates. I leave him, as I left the Senator from Indiana, to be answered by the honest heart of the people of the North, who do not hate the southern people as he does, who do not long for their humiliation, and crow and laugh over their distress as he does, who do not stand here in this council chamber of the States to insult and affront every man by declarations of impeachment of his honesty and integrity when he professes to love the Union and the Government of his country. I leave him to be answered by his own people. There has been, thank Heaven, a spirit of reconciliation abroad; it was exhibited not many weeks ago in the city of Boston, as described to me, in a way that drew tears both from men of the North and men of the South when they met in the presence of the common glory of their country and resolved that the past with all its animosities should be forgotten and should be forgiven. But he raises the cry of hate. He still is to pour out vials of indignation and wrath upon every man who has differed with him in opinion.

The Senator has suggested that in some way I have been a party to some act or deed unfaithful to the integrity of the Government of this country. I will simply say that every drop of blood in my body comes from men and from women who, since this Government was established, never harbored a thought or did an act unfaithful or unpatriotic. No man can assert the contrary. The Senator dare not do so. He might attempt it by an innuendo, by classifying me with those whom he terms the enemies of the country; but he knows as well as I that the man who says I ever did an act or uttered a word unfaithful to the integrity of my country's Government has lied in his throat. [Manifestations of applause in the galleries.] He bids me beware of November. In November the people of this country will submit their candidates for the popular verdict, and then the Senator may repeat his speech where he pleases. Then he may assault men as he pleases. If it shall please a merciful Heaven to give to this country a feeling of fraternity and union, then he and those who think and act with him will be consigned to private life and to an absence from political power. We will go before the people of this country. I expect to go with all the rest as a private citizen, and to

submit the doctrines of the party with which I act, to submit the measures that we propose for the government of this country to the intelligence, to the candor, to the patriotic sense of the people of this country. If the verdict shall be against us, it will still be our country, and we shall obey the men whom you have elected just as fully as if we had elected our own candidates. Minorities have no terror for me; none at all. I have not flinched from declaring on any occasion an opinion that might have seemed unpopular at the time.

Is it to be held up to me as a source of reproach that I have tried to make my brethren of the South feel that this was their country, that this was their Government, and that they were bound to come and support it, and find protection as they gave it allegiance? If it be a crime, then am I the greatest sinner on earth. If such feelings, such professions, and such principles shall consign me forever to a minority, then welcome the shades of private life with the unstained conscience that I shall carry there with it. I would rather have it than all your power, than all the power the people of this country can give, for I have something they did not give and which they cannot deprive me of, and that is my own self-respect. [Applause in the galleries.]

The PRESIDENT *pro tempore*. The Chair will take this occasion to say to the occupants of the galleries that it is a breach of the order of the Senate to applaud, and he now tells the Sergeant-at-Arms to place sufficient force in the galleries to remove every person and all persons who thus create a breach of the order of the Senate.

Mr. BAYARD. Mr. President, I did not catch all that the Senator from Massachusetts said. In regard to my political associations, that is a matter in which opinions may lead us sadly astray, in which a man is neither the worse nor the better for the opinions which he honestly holds. One evil of our times has seemed to me in condemning or praising men for the accident of their opinion. Their personal character, the degree of respect to which they are entitled, certainly does not depend upon the result of their mental organism or the objects which may affect their opinions. I remember very well that when I first came into this Chamber I was one of a minority of about eight men. Then, as now, I was on what is believed to be the weaker side, a side which the calmer judgment and growing generosity of this country toward the South is gradually making a stronger side, a side which I trust for the safety of the whole country will in November next be destined to be the strongest side; but whether it is or no the issue is not with us, and it is for each man to do that which he thinks is right in bringing it about.

I have esteemed men most highly who differed with me entirely in opinion. I remember well, upon my first coming into this body, that I said to a gentleman exceedingly violent in his proscriptive feelings toward the southern people, but for whose personal character I had the highest respect, "How strange it seems to me to hear you speak and vote as often as you do in the Senate, when if your home had been but a few hundred miles south of where it was you probably would have been just as violent on the other side, just as positive a rebel, as you call it, as you were a Union man." That gentleman was the late Mr. Jacob M. Howard; and I remember perfectly well his entire assent, saying he really believed in his heart it was so. Is it possible that at this stage of the world's history men are to be condemned, vilified, abused, because of their honest political or other opinions? It seems to me very narrow-minded and a miserable condition of affairs if such things should be. I do not believe that such a course is at all in consonance with the temper or the wish of the American people, who, like all great people, are a generous people. They do forgive, except where they believe that meanness, hypocrisy, untruth, and dishonor have stained the character of a man. When that is so, they are justified in withholding from him their confidence. I am glad in speaking now of the coming month of November that there is some question of personal character to enter into the contest; that the people of this country will insist that a man shall not be the mere figure-head of party, with its name stamped upon his forehead; but they will look below the badge, and they will see whether the man who bears it is a consistent man, speaking his conscientious sentiments in victory or defeat, standing by his principles whether they are to lead him into minorities or into majorities. These are to me the tests; and therefore, so far from having to beware of the month of November, from my heart I welcome it. The day cannot come too soon when the people of the country shall decide on which side is the right or wrong, the true love of country, the true patriotism, in this country. I believe there is an instinct of self-preservation that will show the people of this country whom to trust and whom not to trust. I believe in that, and therefore it is that I approach that contest without fear.

Something was said by the Senator about my looking to a time when the Ku-Klux shall return, and he said something about my being politically associated with such a class of people. I hardly know how to answer such suggestions. If there be any act of mine, if my name has ever been connected with an act of lawlessness or of dishonor, the Senator has my free permission to point it out or to obtain it from anywhere in the world if he thinks he may; and then he may have justification for his charges or his innuendoes. I do not propose to make this Chamber the theater for assertion or for denunciation. I have no epithet whatever to throw back upon him or his State or his party. He must stand or fall by his own works. I leave him and his speech of to-day to be answered by the people of the great, ancient, and honorable Commonwealth of Massachusetts. They must speak to him because he here assumes to have spoken for them. If he has spoken for them, I was going to say so much the worse, in my opinion, for them; but I do not believe that he has. I do not believe he has spoken the sentiments of Massachusetts in uttering words of bitterness and hate toward the southern people and a distrust of those who are here as their representatives.

But in this strain I have already continued too long. I had no idea there would be in this matter a personal remark or personal feeling. The Senate is no place for it. I think I can refer to my record here in debate to show that I am not wrong in saying that when I have spoken of the action of Senators it has been in regard to their official action, their opinions, and the record of their printed views. Wherever I have thought that they tended injuriously to the public interests I have not hesitated to say so, and I propose to continue this course so long as I remain a member of this body.

Certain it is that the question of urbanity, the question of attempting to educate the Senator from Massachusetts in anything like a rule of courtesy, is something that I should entirely despair of. I do not propose to attempt the task. I did not suggest it. I merely commented upon what I thought was a breach of decorum in the Senate when in asking a question he injected a political tirade into my remarks.

Mr. MORTON. Mr. President, I had not intended to say anything more upon this resolution. It is true I had material evidence collected in regard to the truth of the charges that have been made as to the Mississippi election, but I became satisfied that the Senate was sufficiently well informed upon that subject. I concluded to postpone the production of that testimony.

The Senator from Delaware to-day has made this rather a personal issue. I have generally declined issues of that kind on this floor. I am not sure but what I could stand a hand, however, in a personal controversy, but I should regret to try it. The Senator had the record of my speech in his hand. He had the proofs that I offered of the truth of what I said, nearly all collected from democratic sources. The evidence was overwhelming. He said he would not undertake to answer, and he did not for the simple reason that he cannot. The evidence is conclusive; but the Senator directed his speech to myself. He said that I had calumniated the people of the South; that I had garbled newspaper extracts. He has a copy of that garbling in his hands, and I should be glad for him to undertake to show in a single instance where I have made a misrepresentation. But the Senator was exceedingly unfortunate in one thing. He undertook to show that I was inconsistent. He read an extract from my report in the Louisiana case to show that I denied the power of the Senate to go back and inquire whether the members of a legislature had been elected, to inquire whether the tribunals of the State, which had passed upon the qualification of members of the Legislature, could be impeached, and that we were bound to take the Legislature as the State gave it to us. I stand upon that doctrine to-day. I have not in any speech on the Mississippi resolution said one word in conflict with that position; and the Senator cannot point it out.

I am consistent; but the Senator unfortunately is not, and he stands up here to-day in contradiction of the ground that he occupied all through the Louisiana controversy. It is within the memory of the members of this body that he argued we had a right to inquire whether the members of the legislature who elected Pinchback had themselves been elected, denied the legality of the State tribunals to pass upon that election, and by his vote finally insisted and stood upon that doctrine. Day after day he has advocated that doctrine here; but to-day he comes in and denies that doctrine, and insists that we cannot inquire into the election in Mississippi. It was perfectly competent to inquire into it in Louisiana in the Pinchback case, but it is not competent to inquire into it in Mississippi in the Lamar case. As the lawyer said to the farmer, "circumstances alter cases." The doctrine in regard to Louisiana, which the Senator so ably, so eloquently, and so often advocated, he expressly repudiates here to-day. Therefore I say I have an immense advantage over the Senator. I am consistent and he is not. He seemed to think consistency was an important thing. I rather like it myself; but he is a most melancholy evidence that men may be inconsistent and apparently not know it. It is said that the ostrich, when pursued by the hunters in the desert, will stick his head into the sand and be under the impression that his whole body is concealed.

The Senator said in the conclusion of his first speech, "Let us have peace." I echo that sentiment. Let us have peace. When the murder business stops, when intimidation and outrage in the Southern States stop, then we shall have peace; but not until then. When a majority of 30,000 in Mississippi can be overcome by murder, by violence and fraud, and a democratic majority of 50,000 put in its place, so long as those things are done, we cannot have peace. When a majority in Louisiana of 20,000 can be overcome by fraud and violence and bloodshed we cannot have peace. When a majority in Alabama of ten to fifteen thousand can be overcome in the same way it is idle for those persons who sympathize with them or defend them to talk about peace. "Peace when there is no peace." When this violence shall cease, and when men of all parties and of all colors in the South have equal rights, then there will be peace. It is a short and an easy road. It seems the crime is not in committing murder. The crime is, not in the intimidation and oppression of millions of people, but the

crime is in talking about it here, making a fuss about it and disturbing the former serenity of the Senate and of the country. The Senator has not one word to say about all this scene of bloodshed and violence in the South, but his whole complaint is that we talk about it here and create feeling in the country.

The Senator started out in his speech by saying that the committee which it is proposed to raise by this resolution should be a joint committee of the two Houses; that it is not competent for one House to raise a committee and make an examination of this kind. The Senator was doubtless oblivious to the fact that the other end of this Capitol has about twenty or twenty-five committees making investigations the ostensible pretense of which is that they are to get knowledge so as to enable them to legislate, whereas we understand the real purpose is to make political capital. In the face of twenty-five or thirty investigating committees in the other end of the Capitol, created only by one House and expending thousands of dollars every day in investigations, the Senator argues here that we can only investigate by joint committees of the two Houses! It is competent for a democratic House to investigate, but it is not competent for a republican Senate to investigate. That is the strength of this argument.

Then the Senator said that he had been shocked by the expenditure of money in prosecutions and by the hunting up of cases under the enforcement act, and he said that the money thus expended amounted to tens of millions of dollars. Tens of millions of dollars means $20,000,000 anyhow, and carries the impression of a great many more millions. I sent for the appropriation act. I find here the appropriation for 1875:

For defraying the expenses of the Supreme Court and circuit and district courts of the United States, including the District of Columbia; and also for jurors and witnesses and expenses of suits in which the United States are concerned, of prosecutions for offenses committed against the United States; for the safe-keeping of prisoners, and for the expenses which may be incurred in the enforcement of the act of February 28, 1871, relative to the right of citizens to vote, or any acts amendatory thereof or supplementary thereto, $1,000,000.

That has been on the statute-book now five years. That was the fourth appropriation after the passage of the law. The appropriations have been, I believe, $3,000,000 every year. There have been $12,000,000 appropriated altogether for all the courts north and south, prosecutions of every kind, east and west, and yet we are told that tens of millions have been expended in prosecutions under this unconstitutional law! I think it is incumbent somewhat upon the Senator to re-examine his figures and to correct that statement before it goes out to the country. I suggest that.

The Senator spoke about the law as being unconstitutional law and the outrages committed under it. He said he hoped the time would come when Congress would repay to the men the fines they had been compelled to pay under that act. In other words, the Ku-Klux are to be indemnified. The Senator boldly states the proposition that he hopes the time will come (and it will come, too, when the democratic party get control of Congress) that the fines shall be repaid to the men who have been punished as Ku-Klux under that act. That is to be an issue, then, in the approaching November. Refund, re-imburse, indemnify these scoundrels who have been punished under the Ku-Klux act.

The Senator in speaking of Mississippi said that Ames pleaded guilty, and he proceeded to denounce him. I do not know that Ames has pleaded guilty. From what I know of the condition of things in Mississippi, from the articles of impeachment against him, which I read carefully, and from all that I know about the whole case, I have no doubt that that prosecution was without foundation; that it was simply to get power to drive him out of office. When Ames resigned yesterday he knew that his impeachment was a foregone conclusion. They had seized the Legislature by fraud, by murder, and intimidation. They were determined to have the executive. He knew it and resigned. Then what did they do? They withdrew their charges. It was not the punishment of crime they were after, but it was simply the office, and when he resigned they condoned the pretended crimes. If Ames had been guilty of a felony then your democratic Legislature compounded that felony; and the charge comes back——

Mr. BAYARD. Will the Senator allow me to state that in speaking of Mr. Ames—for I desire to do him or any other man justice—I said distinctly that he had been indicted for misdemeanor, and that, to escape the consequences of impeachment, he had resigned. In speaking of him I said that he was an officer of the Army, a man of intelligence and courage. That is, I believe, the only remark I made. I spoke of nothing for which he had been indicted. Certainly I have not the least belief that there was a stain of personal dishonesty upon Mr. Ames; but I said that he had been guilty of misdemeanors, for which he was impeachable, and for which he would have been impeached if he had not resigned.

Mr. MORTON. My memory is not a very good one, I am aware, but if it is not very much at fault, I think the Senator said in his first speech that Ames had plead guilty and confessed to his crimes.

Mr. BAYARD. I cannot hear the Senator.

Mr. MORTON. The Senator now exonerates him from any moral wrong. I believe the country will exonerate him from moral wrong. We have the confession here in the Senate of the United States to-day.

Mr. LOGAN. Will the Senator from Indiana allow me to make a suggestion?

Mr. MORTON. Yes, sir.

Mr. LOGAN. In the telegram, which is the only information we have, it is stated that the articles of impeachment were withdrawn prior to the resignation. According to the democratic theory it makes no difference whether the resignation is accepted or not, he would still be impeachable. I ask the Senator if the impeachment did not stop in view of the resignation of Governor Ames?

Mr. MORTON. The Senator's confession here just now, that Ames did nothing morally wrong, but still that he was guilty of technical misdemeanor, carries with it the confession of the whole crime in Mississippi. There was the crime against the State in the election, the crime against the Legislature, and then there was the crime against the governor; and after all it has been confessed on this floor by a democratic Senator. He was driven out of power by a Legislature that were determined to seize upon his office. It was to them a political necessity. He yielded before the storm. It may have been wise or it may not have been wise. It is hard for us to judge on that subject without we could put ourselves in his place.

The Senator represented me as having assailed all the white population of the South. I have never done so. I assailed the murderers of the South; those who trampled upon the rights of white and black republicans; and I do it again. Not only that, but I assail their defenders. To the loyal people of the South, the peaceable and the law-abiding people, I extend fellowship and fraternity; and I say here what every man from the North knows is true, that in the North there is no animosity toward the South; there is no feeling of hatred toward the people of the South. If republicans in the South, white and black, could enjoy the same rights that democrats enjoy everywhere in the North there would be a return of fraternity, of fellowship, of national love. It is the existence of these wrongs that keeps alive this bitterness of feeling, but it does not extend to the whole South; it extends to the perpetrators and to their aiders and abettors, be they North or South.

The Senator has referred to the decision of the Supreme Court on Monday. I shall be frank enough to say that I regard those decisions as unfortunate, but it is not my business or duty here to criticise them or endeavor to explain them. The Senator read an extract from the case of Cruikshank, I believe from Louisiana, which I should be glad to have.

Mr. BAYARD. I will hand it to the Senator.

Mr. MORTON. I cannot refer to the passage, but he quoted to this effect: That the fourteenth amendment in its first section went no further than to deny to a State, acting affirmatively, a right to deny equal protection of the laws or the right to withhold the enjoyment of the rights and privileges of a citizen of the United States; that the Constitution went no further than prohibiting a State by her legislation—the Senator used the word "legislation"—from denying the right of a colored man to vote or denying the equal protection of the laws; and that, unless the State did that, the Congress of the United States could not interfere. I do not know whether the Supreme Court said that, but if they did, so far as I am concerned I repudiate it utterly. I have some knowledge of the circumstances under which those amendments were adopted. I read the debates which occurred. I was present when one of them passed this body and took some little part in it, and I profess to understand what was the spirit of Congress at that time and the understanding of the country. What is it for a State to deny the equal protection of the laws? When a State by her legislation expressly withholds from part of her people the equal protection of the laws, that is one thing; but when a State government utterly fails to protect a large class of her people, that is denying to them the equal protection of the laws. It is the duty of the State to protect every class of her population; and when a State fails to do it, I do not care whether that failure is intentional on the part of the officers or the result of the weakness or imbecility of the State government, it is denying the equal protection of the laws, and Congress can come in and furnish that protection.

This was the understanding with which both those amendments were passed. I know it, and we all know it. It was to place the enforcement of each amendment in the power of Congress; and it was then the understanding—and I can tell the Supreme Court, humble as I am, if they do not know it—that if the State by its government failed to protect a part of her people, or if she were unable to do it, if anarchy prevailed, that failure on the part of the State was a denial. The failure of the State is denial by the State. That was the understanding which we had of the fourteenth and fifteenth amendments.

Mr. BAYARD. The Supreme Court of the United States does not recognize your understanding.

Mr. MORTON. The Supreme Court of the United States use some general phrases. I do not know exactly what they mean; I shall not stop to consider; but what I am speaking of now is what was understood, and this whole country knows it; and if the Supreme Court does not know it, it is the only body of men in this country that do not. When we came to the fifteenth amendment, that no State shall deny to any citizen on account of his race, his color, or his previous condition of servitude the right to vote, and provided that Congress might by law enforce it, what did we mean by it? We meant to look to just what has occurred in Kentucky and Mississippi and other States, that if by violation of the law they should deny colored men the right to vote, trample on their right, and the State authorities

were powerless or unwilling to enforce that right, that condition of weakness or that unwillingness must be considered a denial on the part of the State. Why? Because it is the duty of the State to enforce the right; and if the State fails to do so from any cause, the State denies the right. That is the construction we gave to that amendment when it passed this body; and there are Senators all around me who know it, who were present on that memorable night when the amendment passed. The recorded debates show it; and if it is now to be narrowed down and confined simply to a case where a State passes a law denying the right of suffrage to colored men, it is frittering the amendment away.

Mr. CHRISTIANCY. Will the Senator from Indiana allow me to make a suggestion there?

Mr. MORTON. Certainly.

Mr. CHRISTIANCY. If that were the whole effect of it, would it not render the power given to Congress to pass appropriate legislation simply nonsensical? Would it not be simply a judicial question for the Federal courts to decide?

Mr. MORTON. The Senator states the point very clearly; and I remember that very point was discussed on this floor on the night of the passage of the fifteenth amendment. If it is confined to a case where a State by law denies a colored man the right to vote, Congress has nothing to do with it, because that act is in violation of the Constitution of the United States, and every State and United States court would be bound to hold it so, and it is not important for Congress to legislate on the subject. It is not the business of Congress to say that a State law is unconstitutional; Congress has never done that; that is for the courts; but when Congress had the power given to it to enforce that amendment, it was intended to enable Congress to punish the men who deprived colored men of the right of suffrage.

Mr. FRELINGHUYSEN. Will my friend permit me a word?

Mr. MORTON. Yes, sir.

Mr. FRELINGHUYSEN. There is one part of these constitutional amendments which I do not think the Supreme Court has ever attempted to weaken, and which seems to me to be the very foundation of liberty and order in this country. I will read it:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. * * * The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

When you make a man a citizen of the United States, you do something more than give him a pleasant name; you do something more than put a badge upon him. You invest him with the rights of citizenship—freedom, the protection of the law, the right to suffrage when conferred by law. The people of this nation have declared, and no Supreme Court has yet questioned it, that Congress has the right to enforce that citizenship by appropriate legislation. The argument which is made, that this is opening the field of all criminal jurisprudence to Congress, has nothing in it. You can readily distinguish between infraction and infringement of a right which is an infringement of the rights of a citizen and of those natural rights which the State protects. I simply wished to call the attention of my friend in this connection to that important view of these amendments.

Mr. MORTON. Mr. President, I agree with the Senator from New Jersey; I think his position is impregnable; and I venture to say that when once it comes to be the established doctrine that the fourteenth and fifteenth amendments only prohibit the States by legislation from depriving the colored people of the right of suffrage or the equal protection of the laws—whenever that comes to be the doctrine, then the fourteenth and fifteenth amendments will be destroyed, and what we have done will be lost. I repel that construction for myself, now, here, and forever.

My friend from Michigan [Mr. CHRISTIANCY] suggests that the decision of the Supreme Court does not cover that ground at all; they do not put themselves upon that ground. I hope he is right. He has read those decisions more carefully than I have; but, if he is right, the Senator from Delaware is necessarily wrong.

Mr. BAYARD. May I ask the Senator from New Jersey, did I understand him to say that he considered that the fourteenth amendment gave the right of suffrage as a right to a citizen?

Mr. FRELINGHUYSEN. No, sir. I trust my friend did not understand me so. If it had done that, it certainly would have been unnecessary to pass the fifteenth amendment in order to confer that right.

Mr. BAYARD. Does the Senator consider that the fifteenth amendment conferred the right of suffrage?

Mr. FRELINGHUYSEN. I consider that the fifteenth amendment prohibits any citizen of the United States from being deprived of suffrage on account of race, color, or previous condition of servitude.

Mr. BAYARD. That I might have learned without the Senator being put to the trouble of a reply; but I misunderstood him possibly at first when he read with such emphasis the first paragraph of the fourteenth amendment, that all persons naturalized in the United States or born in a State should be citizens of the United States and citizens of the State where they reside; and I understood him to say that that gave them something more than a mere name; gave them rights and gave them the right to vote. I may have misunderstood him.

Mr. FRELINGHUYSEN. It gave them a right to be protected by Congress in the exercise of all the rights of citizenship, and by a subsequent enactment suffrage was made to be one of the rights of citizenship, so far as race, color, or previous condition of servitude was concerned.

Mr. BAYARD. I have the impression that the Supreme Court have in the most distinct manner decided, not only in these two last cases, but long before, that neither the fourteenth nor the fifteenth amendment bestowed any right of suffrage upon anybody; that it is a right given by the State, controlled by the State, wholly within the power of the State, with one single prohibition, and that is that the States shall not discriminate in bestowing it as to race, color, or previous condition of servitude; that is all.

Mr. FRELINGHUYSEN. The question as to whether these citizens have the right to suffrage is not before us. We all know that they have the right of suffrage in every one of the States, no matter how they got it. Having the right of suffrage, that is one of the rights of citizenship, and we are authorized by the fourteenth amendment to enact all laws to protect that citizenship in all its rights; and suffrage is, no matter how they got it, an admitted right of these citizens.

Mr. BAYARD. Does the Senator think the United States court can enforce my right to vote in a State if it is objected to, I otherwise being qualified under the laws of that State?

Mr. FRELINGHUYSEN. I suppose that if in the State of Delaware they should attempt to disfranchise the Senator from Delaware, Congress would have power under the fourteenth amendment to protect that right which he as a citizen possesses in Delaware.

Mr. KERNAN. Will the Senator from New Jersey allow me to put a question? As I understand the Senator from New Jersey, he insists that by the fourteenth amendment men who are made citizens cannot, by the States, be deprived of the right of suffrage. Am I right?

Mr. FRELINGHUYSEN. I did not say so. I said that under the fourteenth amendment, where a citizen has the right of suffrage, Congress can protect him in it.

Mr. KERNAN. If the States give it cannot the States take it away? I put this case because there are States in this Union where men, right within the fourteenth amendment, who are citizens are not allowed to vote.

Mr. FRELINGHUYSEN. That is an entirely hypothetical case. In those States of which we are speaking they have not attempted to take away the right of suffrage. These citizens have the right. It is one of their rights as citizens. The fourteenth amendment says we may protect those rights of citizens.

Mr. KERNAN. The only question I wanted to know——

Mr. FRELINGHUYSEN. It is a theoretical question.

Mr. KERNAN. No, a practical question. I ask whether, if a State of this Union says that a certain class of white citizens shall not vote, they can get redress under the fourteenth amendment?

Mr. FRELINGHUYSEN. If a State in this Union says that persons shall be deprived of the right of suffrage because they are white——

Mr. KERNAN. Being white men; not for that reason.

Mr. FRELINGHUYSEN. That is a hypothetical question again. If you ask me if the State declares they shall not vote because they are white or because they are black, I answer that certainly we, by legislation, can protect those rights; and the Supreme Court has expressly so decided.

Mr. KERNAN. I do not put it on color; I put it on citizenship. Does the Senator say that white citizens who are deprived by a State of the right to vote can get redress under the fourteenth amendment? That is the question.

Mr. FRELINGHUYSEN. I suppose that all States in this Union, unless they have been admitted into the Union, as I believe some of the States have been, on certain constitutional guarantees, can change the qualification of voters as they please.

Mr. KERNAN. Then they can take it away from white citizens of the State under the fourteenth amendment?

Mr. FRELINGHUYSEN. But while the citizen possesses it—and that is the case before us—Congress has the right to protect that right of the citizen.

Mr. MORTON. Mr. President, I have occupied the floor longer than I intended to do. I think there need be no obscurity on this question. The point is a vital one, and cannot be asserted too strongly here, that where a State fails by its weakness, or willfully, or ignorantly, to protect colored men in the right of suffrage, the Government of the United States has the power to do it, and it is its duty to do it; and wherever a State fails willfully, weakly, or ignorantly to give to all the equal protection of the laws, and where the equal protection of the laws is denied to one class of men, the Government of the United States has the power to enforce the enjoyment of that right, and it is the duty of the Government to do it. That is what Congress meant when it passed those two amendments. That is what the debates show; and whenever those amendments are narrowed down to the mere point of these things being denied by legislation on the part of a State, the amendments are virtually destroyed, and the concluding part of each one is made nonsense where it is said that Congress shall enforce it by appropriate legislation.

Mr. President, in regard to this resolution of investigation, I find just here an argument that is unanswerable, if there were no other,

in regard to the right and the power of the Senate. In the Kentucky case just decided there was an indictment containing four counts, under sections 3 and 4 of the act of May 31, 1870:

Against two of the inspectors of a municipal election in the State of Kentucky, for refusing to receive and count at such election the vote of William Garner, a citizen of the United States of African descent.

And the Supreme Court say in conclusion:

We must, therefore, decide that Congress has not as as yet provided by "appropriate legislation" for the punishment of the offense charged in the indictment, and that the circuit court properly sustained the demurrers and gave judgment for the defendants.

We have a right to investigate what wongs have been inflicted, to see what legislation may be required. We have a right on every ground to have the whole country understand what are the enormous wrongs that have been inflicted in the State of Mississippi; for, if under our form of government a majority of 30,000 people can be suppressed by violence and a fraudulent majority of 50,000 or the other side put in its place, Legislatures captured, governors driven out of office—if all this can be done by violence and there is no remedy anywhere, I say that our Constitution is a failure; I say that any State may become a despotism under the Constitution of the United States. The highest duty of any government is to protect its citizens in the enjoyment of their rights as citizens of the United States. If we cannot do that, then our Constitution is a failure. Let me state that again. The highest duty of this Government, or of any government, is to protect its citizens in the enjoyment of their rights as citizens; and when the Government fails to do that, it is recreant; and if it has not the power, then the Government itself is a failure.

Mr. WITHERS. Mr. President, it is a little difficult for a Senator occupying my position on this floor to know exactly by what line of argument to meet some of the allegations and to repel some of the taunts and worse than taunts which have been thrown out against those who come from my section of the Union and couched in language which I certainly never expected to hear uttered in this Chamber. I cannot consent, under any conceivable circumstances, to repel those insults and those insinuations in similar language. But, sir, I desire that the Senate will consider that everything that a Senator and a gentleman legitimately may say is said in repulsion and repudiation of the charges that have been made against me and my section.

If it be the purpose, as is more than suspected, of gentlemen who have occupied the floor here to-day by these insulting charges against southern Senators to provoke them to such imprudent utterances as may be made available in coming political contests to enable them to array again one section of this country against the other and to give some coloring to the allegation made by the Senator from Massachusetts [Mr. BOUTWELL] that the civil war is not ended, and that all the hatred and strife which have been engendered thereby are still in full force and operation, influencing every man at the North as well as at the South—if such be the purpose, I do not propose to contribute anything to the success of that maneuver. I have said what I propose to say upon that subject.

Mr. President, I am happy to here state my high appreciation of the courtesy, the kindliness of feeling, and the manifest sincerity which actuated the mover of the substitute now under consideration, in the remarks which he has offered and the resolution which he tendered. I freely admit that he has come up to what I regard as the full measure of statesmanship in discussing this resolution; and while I thus return him my thanks, individually and for my section, for the courteous terms in which his remarks were couched and for that spirit of fraternity and liberality which prompted him to "put himself in our places," as he forcibly stated it, and to judge us from that standpoint, I propose to correct what I fear are some misapprehensions on his part of the actual feeling and temper of the southern people. I certainly claim to be able to speak authoritatively for my own State, for my own people, for my own section.

I assert upon this floor to-day, with all the knowledge of the obligations which such an assertion involves, and also with a full consciousness that I may bring myself under the imputations which have been made to-day in reference to Senators making declarations of a somewhat similar character, that the people of the Southern States, certainly of my State, have accepted the issues of the war in good faith, that they have recognized and do to-day recognize the equality of all men under the law. I assert to-day that from the moment that war came to a close, indeed long antecedent to that period, the fate of slavery was known to be doomed in Virginia, and no one anticipated, whether the struggle should result in success or disaster, that slave property, as such, would remain valuable in Virginia. But when disaster crowned the efforts which we had made, and we were forced to accept such terms as were offered us by the victorious armies of General Grant, not a voice was raised, so far as I know, not an effort, organized or otherwise, was made to resist emancipation and its necessary consequences.

I will say more than that, sir, that the people of Virginia recognized, as a general rule, to which I will admit there were exceptions, the necessity which imposed upon them the education of their former slaves, the necessity of bringing them up to a point where they could intelligently exercise those rights of citizenship with which they had been invested by the legislation of Congress. True it is that we were not prepared for the precipitancy with which these rights were bestowed upon these people, and were startled and alarmed at their probable, not to say inevitable, consequences.

I am conscious that our people are misunderstood in some regards; they are to-day misunderstood with regard to their feelings toward their late slaves. I assert, that after the conclusion of the war and the emancipation of the slaves, so far from being influenced by hate and animosity and a vindictive desire to crush those people out of existence, or drive them from the country, precisely the opposite sentiments were felt by a very large portion of the people of Virginia. I assert that the southern people have never to this day forgotten, and never will they forget, the obligations they are under to their black population. I hope that my right hand may be withered and my tongue palsied if I ever fail to acknowledge my own personal obligations to them. During the war, when the whole manhood of the South was carried to the front to fight the battles of the South, our wives and our little ones were left alone under the charge and the guardianship of our slaves; and I am proud to say to-day, that notwithstanding all the inflammatory appeals and all the nefarious influences which were brought to bear upon that population to induce them to bring the war to a speedy and bloody end, they were deaf to these appeals, they resisted these influences, they were true to the trust reposed in them; and I hope I shall never see the day when I am afraid or ashamed to acknowledge our obligation to them.

This being the case, those of us who looked at the situation divesting ourselves of all prejudice, if any existed, had to decide what was the best thing that we could do in the then prostrate condition of all our industries and all our interests. The question of the relations between labor and capital at once sprang into existence full armed like Minerva from the head of Jove, demanding immediate recognition and adjustment, and we had to settle upon some policy to meet the difficulty. The disposition was felt by our people generally to give the preference to this black labor to which we had been accustomed, if we could prevail upon them to discharge the duties of laborers with anything like fidelity. The Senator from Indiana [Mr. MORTON] has dwelt very largely in his speeches here upon the existence of a "white line," of a race issue in the South, which I am not prepared to deny to a very considerable extent did exist and may, to some extent, still be found. I wish to submit one or two statements to the Senate of the United States, and through them to the country, to show that it was not the white race who are responsible for the raising of that issue or the drawing of that line. If the Senate will pardon me for detaining them a few moments with matters of detail, I think I can bring them to agree with me in this conclusion.

What was the first step toward the segregation of the one race as against the other? It was the organization of loyal leagues, under the operation of the Freedmen's Bureau, throughout the Southern States, where the whole black population were enrolled in the list of membership. Every appliance was resorted to; the whole country was swept around to entice them in, and place them not only under an obligation but under a sworn obligation to support the republican party; and we had the spectacle presented through all the Southern States of colored people who would appeal to their late masters for advice, for assistance, for aid upon any and every subject other than political, but who had arrayed themselves in one solid phalanx against the white race upon every political question or every question involving an election.

It may be a fact not known to some of the gentlemen who hear me, that the first constitution which was framed for Virginia under the reconstruction acts was framed by a convention composed in a large degree of our former slaves and of gentlemen who hailed from any and every nationality other than Virginia, and that among the provisions of that constitution were some which, if carried into effect, every man who hears me here to-day will admit would have brought utter and irretrievable ruin to every interest of the State. It provided that the test oath should be applied, not only to all persons who proposed to hold office, but to every person who proposed to vote and to every person permitted to serve as a juror throughout the State of Virginia.

I want to recall to Senators the recollection of this fact, that the test oath was originally designed for application to northern and not to the southern communities. It was enacted in 1862 during the hottest period of the war, when it was not expected that any southern man would apply for office under the United States Government, its object was to exclude from a share in the offices of this Government such persons as sympathized with or had aided the rebellion in the Southern States. That was the design of the test oath. But you will see that when that oath came to be applied to southern communities, it was far more widespread, far more sweeping, far more ruinous in its operation than it could possibly be in any northern community. Why? Because the whole South—I say it literally—the whole South had gone into this war and there was no person there—I say no person, of course there may have been individual exceptions, but there were few persons in any community who could come forward and swear that they had furnished no aid, countenance, counsel, or encouragement to the rebellion or to any person engaged in armed hostility to the United States. The consequence was that every office which was to be filled in Virginia would have been of necessity filled by an alien or a negro without education and without that information which would enable him to discharge the duties of the office properly; that every man who came forward to vote in an election must have be-

longed to the same class; that every man who proposed to sit as a juror to adjudicate any question involving life, liberty, or property must be drawn from the same class.

Now you see at once, I do not care what political party you may belong to, you are bound to see at once, the utter ruin which would have been wrought if such a constitution as that had been inflicted upon us; and when, after a canvass of the State of Virginia, which pointed out the effects and the ruinous consequences of such a constitution as this, public sentiment began to concentrate and crystallize against the constitution proposed, and when the period which was fixed for its being submitted to a vote of the people was postponed by military authority because it was obvious that it would be rejected, when opportunity was offered to make an appeal to General Grant, and through him to the Congress of the United States, to permit three distinct clauses of this constitution, which were most objectionable, to be submitted to a separate vote of the people, giving them the privilege to sustain the residue if they thought proper and to reject these—when all these things were done, and the election was held on that constitution, what did the results indicate? We find that 102,000 white men, almost without a solitary exception, voted in favor of adopting a constitution which gave to our negroes the right of suffrage and the right of holding office, and every right enjoyed by white men, while 88,000 men, almost exclusively colored men, voted to retain those disabling features in the constitution and thus deprive the white men of the privilege of holding office, or of voting, or of taking any part in the administration of the laws.

Is it remarkable that in such a condition of things the white people of the South generally—because this was not confined to Virginia; I speak of Virginia because I speak of what I know—is it a wonderful circumstance that under such a condition of things as this, the manifest necessity of a union of the white people to preserve the political power in their hands became a matter of self-preservation? If this fact is to be construed as is indicated by the discussion here to-day, and whenever this question is debated, I ask Senators on that side of the Chamber "to put themselves in our place," and ask if they can find it in their hearts to hold this up to public reprobation as a measure of outrage and oppression and wrong?

I do not like, Mr. President, now, and I do not propose to give expression to my feelings, plans, and purposes toward this Government and the preservation of this Union. Warned by the signal station which has been put up on the other side, I do not propose to place myself in the category of those who are denounced here as men who cannot under any circumstances be trusted and whose professions of fealty to the Union are hypocritical and false as hell itself. But I would ask the Senator who has introduced an illustration drawn from my own profession, because it is a little in the line of my own personal experiences, to revert to this analogy. The Senator from Indiana spoke of the impolicy of attempting to heal our wounds superficially and declared that it was no good surgery which would advocate such a procedure. I would ask him to contrast that surgery, if he pleases, with the surgery which proposes to tear open a freshly cicatrized wound, and just as often as the bands of union are shooting forward from one side to the other, cementing together in a solid and useful and healthy union that which had been a gaping and bleeding wound—if he proposes, whenever these bands are formed, to destroy them by tearing them asunder, and instead of applying emollients and soothing applications to pour in vitriol and corrosive sublimate, how long would the patient last under such treatment as that?

Mr. MORTON. Allow me to ask a question, or rather it is in the form of an answer, that the tearing open of these wounds is not done by proposing to investigate wrongs in order to prevent a repetition of those wrongs nor by denouncing crimes that have been committed. The tearing open of these wounds consists in the outrages committed in Mississippi and other States such as have been denounced. If those outrages had not been committed there would be no occasion to talk about them now.

Mr. WITHERS. The Senator is assuming what the report of this proposed committee will be when it shall have been raised, and shall have investigated, and shall have reported. The fact has not yet been demonstrated that the outrages described exist. I am not personally cognizant, of course, of anything in the matter; but those who profess to have more cognizance of the condition of the affairs there than the Senator from Indiana can possibly have, deny their existence; and so we have assertion against assertion. That is all of it. The weight of authority in fact, as my friend from West Virginia [Mr. DAVIS] suggests, is on the other side, because investigations have been made into the condition of affairs in Mississippi by the Government's accredited official organs, by the order of its official head, and their report, so far as we have any reason to believe, furnishes no support whatever to the allegations which have been made. The President certainly refused to interfere in the manner requested. But are we to take mere random declarations of newspaper correspondents, or even the insane utterings of such men as Robert Toombs, or the half-crazy declarations of a violent partisan editor of a political paper as incontrovertible evidence of the existence of a condition of things spreading through a whole State, and a fair exponent of public sentiment? Why, sir, it has not been three days since I saw assertions made as to the mode in which elections are carried in other States, notably in one of our northern sister States, where it was distinctly asseverated that bribery was resorted to, where the sum paid to the voter was specified, the amount sent to certain named towns was given, and the sum *per capita* cited which was expended in securing votes. Would we be justified, therefore, in coming forward here and asking for a committee to investigate the manner in which that election in New Hampshire was held, and the abuses which were perpetrated there, because bribery is just as much inhibited by the Constitution as intimidation or fraud? Manifestly not; manifestly it would be improper.

But the objection I have to this resolution is that in my opinion it tends to destroy local self-government, and arrogates to Congress a power which I do not think properly belongs to it, as is fairly deducible from the Constitution which controls us all.

If—I predicate it with an "if"—if abuses exist such as are alleged, if intimidation and fraud have been practiced to the extent that is reported, I have no doubt that the State governments are competent to, and will furnish a proper remedy. I know I can truly speak when I say that if they can be proved to have occurred in Virginia, the remedy can and will be applied, as I know in a case which has recently occurred there, when in the progress of a contested election investigation it was demonstrated that ballot-stuffing had been practiced and that frauds had been perpetrated, steps were taken to correct those evils for the future and to provide against their recurrence.

As to what the effect of the decisions of the Supreme Court in the cases which have been alluded to so frequently to-day may be upon the settlement of this question, I am not prepared to say; but I call attention to the declaration of the distinguished Senator from Indiana that if the Supreme Court of the United States has indicated that any of this legislation was unconstitutional, "*he repudiated the decision of the Supreme Court.*" Sir, what would have been said had any of us of the South——

Mr. MORTON. I can assure my friend that I did not make that statement.

Mr. WITHERS. I beg pardon if I misapprehended the Senator.

Mr. MORTON. What I said was that if the Supreme Court gave the construction to the constitutional amendment claimed for it, I for one repudiate it and always should. I was referring to the construction given to the amendment by the Senator from Delaware.

Mr. WITHERS. I do not see that that very much alters the force of the position I took. My idea was that the Supreme Court being recognized by the Constitution as the supreme authority to adjudicate the constitutionality of any law, the decision of that tribunal was final, and for one I have been taught always to acquiesce in it; and although it may be made contrary to my preconceived idea of what was Constitution and what was law, the fiat having gone forth from that tribunal, I have always felt that I was bound to succumb and to yield obedience thereto. Any *repudiation* of its decision is simply revolutionary.

And that reminds me of another very remarkable declaration which was made by the Senator from Massachusetts, which struck me as exceedingly startling and suggestive, and I could not help thinking what would have been the condition of affairs here and through the country if I, or any of the gentlemen who surround me on this side of the Chamber, had given utterance to such a sentiment. The Senator from Massachusetts, as I have written down his words, made a declaration to this effect: that he warned us to beware of the coming November, and he asserted that if the republicans are not sustained by the popular voice in such overwhelming numbers as to render opposition futile we might look for another civil war. What is to be understood by his proposition? That if the democratic party triumph in the coming election in November another civil war is imminent! I would ask, who proposes to resist this fiat of the people in case it should be given in favor of the democratic party in the coming election? Certainly not the democratic party; certainly not their friends or their allies. Therefore the proposition to resist must come from the other party. If I have made such a declaration here or if the Senators around me had uttered such a sentiment, I have no doubt the hands of the gentleman would have gone up in holy horror, and he would have waved the bloody shirt with three times as much *empressement* as he has done this morning, and called on all his clans to rally to the rescue to crush out these unrepentant rebels of the South!

Sir, if the declaration of the Senator from Massachusetts meant anything, it meant the declaration of a deliberate purpose to resist the inauguration of a democratic President or the installation into authority of a democratic Senate or democratic government if the voice of the people should so decide in November next.

Mr. BOUTWELL. Will the Senator allow me——

Mr. WITHERS. Certainly; I do not design or desire to misrepresent in any way, or misconstrue even, the declarations of any Senator.

Mr. BOUTWELL. I meant to state simply, and I think I did state—the RECORD will show, however, about that—certainly what I meant to say was that unless the election was overwhelmingly in favor of the republican party, considering what had been done in Mississippi and Louisiana in violation of law for the suppression of public sentiment, in some way that election would be defeated; if it were a mere meager majority that there would be an effort to deprive the republicans of the government. Far be it from me to make the suggestion that, if the democrats are successful in the election, there will be anybody to resist. Nobody will resist if it is a fair election.

Mr. WITHERS. I endeavored to take down correctly the words of the Senator as they were uttered, and my version does not correspond

with his statement. The RECORD, however, will show, provided it be not revised, and I will abide by it.

The legal points involved in the resolution which has been offered for our consideration have been so thoroughly reviewed by a much more efficient and skilled hand that I do not propose to travel over any of the ground which he has occupied, although I had designed doing so. I am glad to know that they have received the consideration of one fully competent to grapple with them; and while I am not unmindful of the fact that the legal gentlemen upon this floor place different constructions upon some portions of the opinions recently rendered by the Supreme Court, I think I am right in assuming that so far as those decisions go they indicate the futility of all the legislation upon which the Senator from Indiana so much prides himself in the direction of carrying out these constitutional amendments. And if I grant the power to Congress, which I do not, to enact additional legislation to carry out more fully the provisions of the Constitution and to meet the constitutional difficulties suggested by the decisions of the Supreme Court, I do not see why it should be necessary to send any committee to investigate alleged facts in Mississippi to furnish the ground for such legislation on the part of Congress. I think the decision of the Supreme Court furnishes ample ground. And if the Senator from Indiana, or any other Senator, desires to consummate and perfect such legislation as will enable them to carry out the provisions of the fourteenth and fifteenth amendments, the decision of the Supreme Court furnishes all the ground they need upon which to predicate the legislation they desire to enact for this purpose, for it is very clearly seen that notwithstanding what has been said by the distinguished Senator from New Jersey [Mr. FRELINGHUYSEN] neither the fourteenth nor the fifteenth amendment confers any right of suffrage upon black or white. The only effect of those amendments is to prohibit the States from drawing any distinction in their laws prescribing the right of suffrage on account of the color, or race, or previous condition of servitude of the parties. This is clearly shown in the fourteenth amendment, because it distinctly admits the power of a State to qualify the right of suffrage and make that right a condition-precedent upon certain qualifications coupling the right of suffrage with certain conditions, whether educational or property qualification or anything else. The only thing the fifteenth amendment does, as I construe it, is to provide that in case such legislation be enacted by a State it shall apply indiscriminately to black and white. If this difficulty by which the Senators on the other side find themselves confronted needs correction, and is capable of correction by additional legislation, to carry out these constitutional provisions, I do not see why they cannot at once introduce a bill for the purpose and provide the necessary legislation to enable them to compass their ends.

Mr. President, I have discussed a few points which have been raised in this debate simply from a sense of duty to myself and to the section which I represent. I have done it in a crude and discursive manner, but I think I have said sufficient to show my own appreciation of the different tempers, dispositions, and spirits in which the gentlemen who have occupied the other side of the Chamber have approached the discussion of this question. I hope I shall never cease to appreciate and to acknowledge courtesy and kindliness on the one hand, nor to rebuke, so far as I properly may, discourtesy and insult on the other. I know one thing, however, that I feel in my inmost soul that the present condition of this country, its financial depression, its ruined business, its silent manufactories, its deserted mines, can never be remedied by declaring to the world in the highest legislative assembly of the nation that nearly one-half the country is influenced by nothing but bitter hate and hostility to the Government, and seeks only a favorable opportunity to plunge it again into ruin and blood. I think I am safe in saying that, and the Senator from Massachusetts himself may well pause and reflect whether a continuance of this kind of discussion and the constant agitation of these sectional issues and these constant charges and criminations may not have more to do with bringing on the ruined condition of our finances and the prostration of our business than anything else. Certainly it seems to me that capitalists in foreign countries seeking investment had much rather bring their money here, where it affords a fair prospect of legitimate profit in the face of a homogeneous and united people, moving forward with due obedience to law for the common purpose of benefiting a common country, than they would invest it in a country where one-half of it was arrayed in deadly hostility to the other, only awaiting a favorable opportunity to carry into practice the sentiments which they are alleged to entertain in secret.

I leave the question with that suggestion for the consideration of the Senate of the United States.

Mr. MAXEY. Mr. President——

Mr. FRELINGHUYSEN. I ask the Senator from Texas if he will yield to a motion that when the Senate adjourns to-day it be to meet on Monday next, unless there is some objection to that?

Mr. SHERMAN. I object, if an objection will prevent it. I think we had better go on with the public business.

Mr. FRELINGHUYSEN. I will not insist on it.

Mr. MAXEY. I had not intended, Mr. President, to utter one word on the resolution as originally offered by the Senator from Indiana or the substitute offered by the Senator from Michigan, but as I happen to be one of those Senators at whom the blow of the Senator from Massachusetts [Mr. BOUTWELL] was aimed, I deem it due to myself and the State I have the honor in part to represent to say something in reference to the remarks which he made. I desire here to state that as I have never uttered a word since I have been a Senator calculated to estrange the people of the North and the South, so I never will so long as I have the honor to be a Senator on this floor. When I heard the noble sentiments uttered by the Senator from Michigan, [Mr. CHRISTIANCY,] so honorable to his head and heart, I believed them to be a true expression of the sentiment of the people of the North. In that speech he placed himself upon the plane of elevated and true statesmanship. He is a true statesman who, when a great civil war has cursed a land, endeavors to pour oil on the troubled waters and to heal the wounds of that war. That is true statesmanship, and when those sentiments were uttered every chord in my heart vibrated with joy that a man from the North, a republican, whose personal character and whose political reputation stand so high as those of the Senator from Michigan, differing from me in politics, should have the manliness and the independence to utter the sentiments which he uttered here. I believe the sentiments uttered by the Senator from Michigan truly represent those of the northern people. I do not believe that the sentiments uttered by the Senator from Massachusetts represent those of any respectable portion of the people anywhere. Sir, malignance and hate may gain for a man local celebrity; he may accomplish a purpose in a given section of the country by uttering sentiments of hate, by arraying one portion of the Union against the other; but be that man from the North or from the South who endeavors to gain celebrity at the expense of this broad Union, he is not a statesman. Such men are political Pharisees, thanking God daily that they are better than other men, and belong to the class of whom Christ said, "But all their works they do to be seen of men." With their name He coupled a synonym, (hypocrite,) and the two will go "sounding down the ages," linked together in infamy, "to the last syllable of recorded time." "Ye blind guides, which strain at a gnat, and swallow a camel." "Ye devour widows' houses, and for a pretense make long prayer."

Why, sir, not only did he arraign the Senators who have the honor to hold seats on this floor, but, going back in the history of the South for seventy years, he arraigned the statesmen of the South, the people of the South, as being enemies to the Union. "Upon what meat doth this our Cæsar feed, that he is grown so great?" Mr. President, does the Senator not know that within that seventy years James Madison, a southern man, conducted the war of 1812 to a successful termination? Does he not know that Andrew Jackson, another southern man, gained us great glory at the battle of New Orleans and as President of the United States? Does he not know that the administration of James Monroe was marked for its ability, and that the Monroe doctrine which he announced has been as important to our well-being as any doctrine which has been asserted for the last fifty years? Does he not know that Zachary Taylor and Winfield Scott, both southern men, conducted to a successful termination the Mexican war, which gave us the magnificent territory brought into the Union by the treaty of Guadalupe Hidalgo? Does he not know that a southern President, James K. Polk, at that time presided over the destinies of this Union? Does he not know that Henry Clay's clarion voice rose up in 1850 in behalf of the Union, and that he more than any other one man was potent in saving the Union? It was the voice of the Henry of Navarre of the glorious old whig party, a man whose eloquence has never yet been surpassed in or out of this Senate Chamber. And yet the Senator, not satisfied to stop at the war which has just closed, goes back for seventy years and arraigns the whole people of the South as enemies of the Union. Sir, he defies history, he defies the truth of history, for the purpose—no, I will not say for the purpose—but with the effect of arraying one section of this Union against the other. Sir, when we heard but a short time ago in the State of Massachusetts, in the presence of assembled thousands of the Senator's own State, the glorious words of General Bartlett there uttered, I thought that he represented the true sentiment of that noble State of Massachusetts, and I think so yet; and the sentiments uttered by the Senator to-day do not represent them, in my humble judgment, because I believe that there is nowhere any true man or set of men who want to keep up the strife which has so long separated the sections of the Union. Every true patriot, be he republican or democrat, from the North, South, East, or West, knows that a restoration of fraternal feeling is necessary to a real union, and that confidence in each other, confidence in our free Republic, confidence in the perpetuity of free institutions under our matchless Constitution are essential to the prosperity of each and every part of our incomparable Union. The true man will work to these ends.

The late warwas a war of giants, such as no people but Americans could ever have fought; and it has been my honor and my pleasure to have met since its close the distinguished generals on both sides who engaged in that war, and we have met as brothers. There is not lingering in the hearts of the brave soldiers of the Union a solitary bitter feeling against the people of the South. We fought it boldly; we fought it bravely. I remember a description by Victor Hugo of the great battle of Waterloo, where the forces of Napoleon were arrayed against those of Wellington; and it was a glorious battle, fought as only brave men can fight. In that battle the undaunted, unconquerable imperial guard went down forever. I remember that he goes on, in his thrilling, graphic description, better than painting, to describe the man Thénardier, "less a man than a ghoul," who went on that battle-field after the battle was over, after bravery had done its

duty, rifling the pockets of the dead and of the dying, "with hideous furtive hand which glides into the pocket of victory." I perform no such role. I aspire to no such distinction. I stand up in the American Senate as one who was engaged in this late war, and plead for Union. I repudiate the heresy which would sow the apples of discord among the American people for personal aggrandizement and local celebrity. Such men are not statesmen; are not true lovers of the Union as it is. They fail to comprehend the great truth that this Union rests, not upon power, not upon the bayonet, not upon the Army and Navy, but upon the strong enduring affection of the great American people. If they could appreciate this sentiment, which they do not, "Charity toward all—malice toward none," they would be better men.

It is said that we are all against the colored people of the South. Why, sir, it was no longer ago than at the last Fourth-of-July celebration that I, democrat as I am and a former slave-holder, and a descendant of a slave-holding ancestry, was invited by the colored people of my county to address them, and I did address more than fifteen hundred of them to the best of my ability; and at the close of that address they presented me in token of their kindness and regard for me for so doing a beautiful bouquet of flowers. I appreciated that as one of the highest honors ever conferred on me. Sir, the colored people of the South have no truer friends on this earth than their former owners, and they know it. Whenever they get into trouble it is to them they go, and they get good advice, cheerfully and freely given; and often, very often, the old family servants have the helping hand extended to them by their former owners. While each knows his social position, there is a tie between them beginning in childhood neither wants to sever.

That is the feeling between the men of the South, black and white. Why should I dislike the colored man? Why should I have feeling against the colored man? I was born and reared among them; and during the four years of war when the whole South was stripped of her fighting population, when few were left at home but the old men, the women, and the children, the colored people were there, and a more true and faithful people never lived on this earth. I glory in the privilege of standing up here in the Senate Chamber and saying that we had no insurrection; the women, and the children, and the decrepit of our country were cared for by the colored people, and felt and were perfectly safe; and to this good day when those people want advice they go to the men they know best; they go to the men with whom they were born and reared. Such is the feeling of those people there.

Now as a matter of common sense let us look at this question. Whatever the Senator from Massachusetts may think of the patriotism of the people of the South, (and he seems not to put a very high estimate on it,) yet it would not do for even that Senator to say that they have not common sense. When it is borne in mind that the only laboring population of the South that can be employed for farm-work is the colored laborer, because the white man soon gets land of his own, when it is known that the white man is the land-holder and the colored man is the labor-holder, and when each is necessary to the other, I ask you if common sense would not teach that white man to treat the black in such a way as to secure his friendship and respect? I can speak for my own State; I know that better than any other. I do know that of the first crop raised after the close of the war we shipped only about 79,000 bales of cotton, and I do know that last year we shipped half a million bales. Could that labor have been employed if the colored man had been treated as it is attempted here to induce people to believe he was treated? No, sir; the white man and the black man in my State I know get along on terms of mutual kindness, and I believe this true of the great mass of people all over the South. That we have bad men there I do not deny, and you of the North have bad men; but will any honest man hold a whole community responsible for a few turbulent, disreputable characters?

But I got up, Mr. President, only to say that when the Senator from Massachusetts sees proper to charge Senators on this floor from the South with coming into the Senate Chamber traitors and rebels at heart, or words substantially meaning that, I repel such a charge as unwarranted and untrue. The Senators from the South who are on this floor are men of as pure character, of as honorable purpose, as the Senator from Massachusetts or anybody else. When I took the oath of office, I meant precisely what I said, and I give my testimony that the people of the South, the very people that he has so maligned and so traduced, want union. They recognize the great fact that so long as the sections of the Union are severed, so long as they are kept apart, so long as they are estranged, the Union cannot prosper.

Mr. President, it does no good, it is not statesmanship, it is not that spirit which actuated Thrasybulus when Athens had been engaged in a death-dealing internecine war; when brother had been arrayed against brother, father against son; the whole of Athens prostrated by the result of a civil war. At its close "confiscation" was cried out by some, banishment by others; but true statesmanship was shown by him. He said: "So far from confiscating the property of the conquered, or banishing them, we will make them citizens." That was over two thousand years ago, and history shows that the splendid statesmanship exhibited by Thrasybulus was crowned by the success of Athens as it never had been before.

Go anywhere in history and broad statesmanship teaches that at the close of an internecine war there shall be oil poured on the troubled waters. England had her time of trouble during the wars of the Roses, which, if I remember correctly, lasted about thirty years. Blood flowed as York or Lancaster got possession of the throne. Common sense at last prevailed. All that was obliterated and buried with the past, and Englishmen can now speak of those battles that occurred during the war of the Roses as the battles of Englishmen, without caring whether those who engaged in them were on the side of York or on the side of Lancaster; and the time will come when the people of the North and of the South, united together again in the bonds of common brotherhood which I hope can never be sundered, will look with pride upon the achievements of both North and South, because they are the achievements of Americans. No men but Americans could have fought such a war, and that great fact will be recognized. If we are true to ourselves, if we are true to the great States which sent us here, we shall do everything in our power to break down all the asperities which may separate the States, do everything in our power to heal up the wounds of the past, and once more have a cemented Union that nothing can sever.

Mr. President, why the Senator from Massachusetts saw proper to take the course he did, I know not; but I do know that such speeches as that will do no good anywhere. They will do no good either North or South; but, as I said in regard to his speech, so I repeat, that I have no more respect for a southern man who will scatter discord, breed dissension for the sake of local celebrity, than I have for a northern man. He who would seek self-aggrandizement at the expense of his country is not a true patriot. He may call me rebel; he may call me traitor, and all that; but that is not love of country which keeps a country apart, and bare assertion of superior patriotism, of superior love of country on the part of the Senator over that of southern Senators, when no justifying word has fallen from the lips of any of them, is simply Phariseeism on his part, for which I do not hold the people of the North in the slightest degree responsible, for I do not believe they will indorse any such unwarranted, unprovoked attack any more than I do, and I ask the people of the South to charge the assault to the Senator alone and to no on else.

Mr. President, I have now said more than I intended when I rose, and I only got up, not to touch the questions at issue, because I think they have been sufficiently discussed, but simply to reply to what I thought an unwarranted and uncalled for, and I may be pardoned if I add unjust and unjustifiable, attack by the Senator from Massachusetts made upon those who occupy the position I do myself; and I take great pleasure in adding that the course he has seen proper to pursue has not before been taken by any one since I have had the honor of a seat in this Chamber.

Mr. BRUCE. Mr. President——

Mr. CONKLING. I understand from the Senator from Mississippi that he prefers not to proceed to-day; therefore I move that the Senate do now adjourn.

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

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 30, 1876.

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

APPROVAL OF JOURNAL.

The Journal of yesterday was read.

Mr. ROBINSON. I am recorded in the Journal as not voting yesterday on the passage of House bill 2817, to regulate the pay and allowances for forage and quarters of Army officers. I was present and voted for the bill.

The SPEAKER. The correction will be made.

The Journal, as corrected, was then approved.

NORTH AND SOUTH ALABAMA RAILROAD.

Mr. HEWITT, of Alabama, by unanimous consent, introduced a bill (H. R. No. 2939) for the relief of settlers on lands claimed by the North and South Alabama Railroad; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

E. O'M. CONDON.

Mr. BLACKBURN. I ask unanimous consent to present, to be printed in the RECORD and referred to the Committee on the Judiciary, a memorial and joint resolutions of the Legislature of the State of Kentucky in relation to E. O'M. Condon, a naturalized citizen of the United States, imprisoned by the British government for a political offense.

Mr. JONES, of Kentucky. I suggest that this paper ought to go to the Committee on Foreign Affairs, as it relates to a person held by the government of Great Britain.

Mr. BLACKBURN. It relates to a naturalized citizen of the United States; and there is a doubt in my mind whether it does not raise an important constitutional question. It was this that induced me to indicate the Committee on the Judiciary. I have, however, no choice in the matter, and I accept the suggestion of my colleague, [Mr. JONES,] assuming that if the Committee on Foreign Affairs find it

necessary they will report back the paper and let it go to the Committee on the Judiciary.

There being no objection, the memorial and joint resolutions were referred to the Committee on Foreign Affairs and ordered to be printed in the RECORD, as follows:

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

The undersigned, citizens of the Commonwealth of Kentucky, as petitioners, would respectfully represent that E. O'M. Condon, a naturalized citizen of the United States, is now held by the government of Great Britain as a prisoner for a political offense which there is no proof that he ever committed.

Convicted with indecent haste upon testimony which even the law reporters for the British press felt constrained to protest against in a memorial to the English home office as lame, impotent, and inconclusive, the death penalty at first adjudged against him was changed to even a harsher doom: imprisonment for life.

It is an indisputable fact that Condon is a citizen of the United States, and as such has periled his life in defense of the Republic under that flag which we now invoke for his protection.

Your petitioners would respectfully insist that it is due to the dignity of the American Government, the honor of the American name, and the protection of the American citizen that such measures at once be taken as will effect the release of our fellow-citizen, now languishing in a felon's cell because of an alleged political offense against a foreign power.

We ask for the Irish Condon the same decisive action which, in the case of the Austrian Koszta, won the plaudits of our people and extorted the admiration of the civilized world; action evidencing not only the power but the promptness of the American Government to protect American citizens from oppression, wherever they might be.

We ask similar action to that by which the crew of the Virginius were rescued from Spanish prisons and indemnity coerced for the victims of Spanish butchery. Must we believe that it is because Spain is weak and Great Britain mighty the Department of State was so swift and bold as to the one and is so timid and tardy as to the other?

American citizenship is entitled to the protection of the American Government as well against the mighty as against the weak; and the same principles of honor and justice which required from Spain the surrender of the Virginius and its crew unite to make it imperative upon the American Government to demand of Great Britain the surrender of the American citizen, the American soldier, E. O'M. Condon.

And to this end we pray for such measures as Congress in its wisdom shall deem most appropriate and effective.

Resolution in relation to E. O'M. Condon, a naturalized citizen of the United States, imprisoned by the British government for a political offense.

Whereas information has reached this body that E. O'M. Condon, a naturalized citizen of the United States, is held in imprisonment by the British government for a political offense; and whereas a memorial from his fellow-countrymen, citizens of this State, has been presented in his behalf:

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be directed and our Representatives requested to take such steps as in their judgment may be best to secure the interposition of the Federal Government in behalf of said prisoner and tend to his restoration to freedom and his return to his adopted country.

Resolved, That these resolutions, together with the memorial herewith, be printed, and that the governor be requested to forward copies of the same to our Senators and Representatives in Congress.

W. J. STONE,
Speaker of the House of Representatives.
JNO. C. UNDERWOOD,
Speaker of the Senate.

Approved March 20, 1876.

JAMES B. McCREARY.

By the governor:

J. STODDARD JOHNSTON,
Secretary of State.

TRANSFER OF INDIAN BUREAU TO WAR DEPARTMENT.

Mr. SPARKS. Mr. Speaker, two bills relating to the transfer of the control of Indian affairs from the Interior Department to the War Department—House bills No. 2592 and No. 2677—were fixed as special orders for to-day. I move that those bills be made special orders for Tuesday next after the morning hour, to have the same relation to other business that they now have.

There was no objection, and it was ordered accordingly.

LAND TITLE IN SAN FRANCISCO, CALIFORNIA.

Mr. PIPER. The bill (H. R. No. 2692) to relinquish the title of the United States to certain property in the city and county of San Francisco, California, and the bill (S. No. 130) to relinquish the interests of the United States in certain lands in the city and county of San Francisco, in the State of California, were inadvertently referred to the Committee of the Whole on the state of the Union. I ask that the reference may be changed and that these bills be referred to the Committee of the Whole on the Private Calendar.

There being no objection, it was ordered accordingly.

SEWELL B. CORBETT.

Mr. CABELL. The bill (H. R. No. 2834) for the relief of Sewell B. Corbett, of Virginia, which was reported from the Committee on War Claims, was referred to the Committee of the Whole on the Private Calendar. Subsequent investigation has led me to believe that the report is in part improper. I therefore ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill, and that it be recommitted to the Committee on War Claims.

There being no objection, it was ordered accordingly.

ASA MORSE.

Mr. BRADLEY, by unanimous consent, introduced a bill (H. R. No. 2940) granting a pension to Asa Morse, of Stanton, Michigan, late a private in Company B, One hundred and seventy-first Regiment Pennsylvania Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES F. ZEDIKER.

Mr. CROUNSE, by unanimous consent, introduced a bill (H. R. No. 2941) granting increased pension to James F. Zediker, late a captain in the Twelfth Regiment Iowa Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INDIANS' TITLES TO LANDS GRANTED FOR RAILROADS.

Mr. GUNTER, by unanimous consent, introduced a bill (H. R. No. 2942) repealing and declaring void certain sections of certain acts named therein; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

A. C. SEARLE.

Mr. WILLIAMS, of Indiana. The Committee of Accounts, to whom was referred the petition of A. C. Searle for payment of services as page of this House during the months of December and January last, have had the same under consideration, and have directed me to report it back and move that it be referred to the Committee of Claims.

The motion was agreed to.

MESSENGER OF COMMITTEE ON FREEDMAN'S BANK.

Mr. WILLIAMS, of Indiana, from the Committee of Accounts, reported the following resolution; which was read, considered, and agreed to:

Resolved, That the special messenger and watchman of the Committee on Investigation of the Freedman's Savings and Trust Company be allowed $3.60 per day from the date of his appointment.

MARTHA E. COSBY.

Mr. KNOTT, by unanimous consent, introduced a bill (H. R. No. 2943) for the relief of Martha E. Cosby, widow of Charles Cosby, deceased; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

REFUND OF LAND TAX IN SOUTHERN STATES.

Mr. DOUGLAS, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee of Ways and Means:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of authorizing the refunding of the land tax collected in the Southern States under the act of Congress imposing direct taxes, approved the — day of ——, 1862, and that they report by bill or otherwise.

ELIZA CEVILL.

Mr. WALSH, by unanimous consent, introduced a bill (H. R. No. 2944) granting a pension to Mrs. Eliza Cevill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POST-MARK AND CANCELING-STAMP.

Mr. O'BRIEN, by unanimous consent, introduced a bill (H. R. No. 2945) to give the Postmaster-General power to use a uniform canceling-ink, and to provide every post-office with a post-mark and canceling-stamp; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

AARON B. HUGHES.

Mr. SHEAKLEY introduced a bill (H. R. No. 2946) granting a pension to Aaron B. Hughes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DELEGATES APPOINTED TO COMMITTEES.

The SPEAKER. The Chair appoints the following Delegates to be members of the following committees, in pursuance of the order of the House yesterday:

Mr. STEELE, of Wyoming, on the Committee on Indian Affairs;
Mr. MAGINNIS, of Montana, on the Committee on Mines and Mining;
Mr. KIDDER, of Dakota, on the Committee on Public Lands.

ENROLLED BILL.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. No. 2262) establishing post-roads; when the Speaker signed the same.

MORNING HOUR.

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

The SPEAKER. The morning hour begins at thirty-two minutes after twelve o'clock, and the call of committees for business of a public nature rests with the Committee on Military Affairs.

SALE OF THE ARSENAL AND LOT AT STONINGTON, CONNECTICUT.

Mr. TERRY, from the Committee on Military Affairs, reported back a bill (H. R. No. 2143) for the sale of the arsenal and lot at Stonington, Connecticut, with the recommendation that the amendment of the Senate be concurred in.

The amendment of the Senate was read, as follows:

After the word "advertisement" insert the words "for at least one month;" so it will read:

That the Secretary of War be, and he is hereby, authorized and directed to sell for cash, after such advertisement, for at least one month, as he may deem necessary, either by public auction or by inviting proposals for the purchase thereof, and in either case to the highest responsible bidder, a certain lot and parcel of land, with the buildings thereon, in the town of Stonington, Connecticut, belonging to the United States and formerly used for arsenal purposes, &c.

The amendment of the Senate was concurred in.

Mr. BANNING. Other members of the Committee on Military Affairs having reports to make are unavoidably absent, and I would ask the Chair whether when they come in they can have the privilege of submitting their reports?

The SPEAKER. If there be no objection their reports can be received.

ANNUAL ESTIMATES OF EXPENDITURES, NAVY DEPARTMENT.

Mr. BURLEIGH, from the Committee on Naval Affairs, reported back a bill (H. R. No. 1344) directing method of annual estimates of expenditures to be submitted from Navy Department, with amendments.

The SPEAKER. The amendments to the bill are numerous but appear to be merely verbal, and if there be no objection they will be voted on together.

Mr. BURLEIGH. They are merely verbal amendments, and I ask they be concurred in, and then that the bill be read as amended.

The amendments were concurred in.

The bill was then read, as amended, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3666 of the Revised Statutes of the United States be, and the same is hereby, amended so that, in addition to the estimates required to be made by that section, the estimates required by the Department of the Navy for the following purposes shall be given in detail, namely:

UNDER HEAD OF PAY OF THE NAVY.

First, the number of officers in each rank on the active and retired list, with their annual pay:

Second, the number of petty officers, the number of seamen, ordinary seamen, landsmen, and boys, with their rate of pay;

Third, the items making the contingent fund under this head shall be in separate estimated amounts;

Fourth, the items required for support of civil establishment at navy-yards and stations shall be in separate estimated amounts for each yard, and shall designate the service, labor, materials, and the number and grade of officers, clerks, writers, laborers, or employés required therefor.

UNDER HEAD OF BUREAU OF NAVIGATION.

The items required for expenditures to be made by or under order of said Bureau shall be given separately, and estimates so made, and for each yard.

UNDER HEAD OF BUREAU OF ORDNANCE.

The expenditures required in this Bureau for fuel, tools, materials, labor, repairs, experiments, and where to be made, purchase of ordnance, ordnance-stores, and for armament of vessels, shall be given separately, and estimates so made of same.

UNDER HEAD OF EQUIPMENT AND RECRUITING.

The expenditures required in this Bureau for coal for steamers' and ships' use, for transportation, for storage, for labor, for materials, for all articles of equipment, and items of expense of any character, shall be given separately, and estimates so made, and for materials, labor, and service at each navy-yard separately.

UNDER HEAD OF YARDS AND DOCKS.

The expenditures required in this Bureau for freights and transportation of materials and stores, printing and stationery, machinery, use of patents, repairs of each description, purchase and maintenance of oxen, horses, and driving teams, labor, and all items of expense of any character attaching to or required by this Bureau, shall be separately given, and estimates so made, and for each navy-yard and station separately.

UNDER HEAD OF BUREAU OF MEDICINE AND SURGERY.

The expenditures required in this Bureau shall be given separately, and estimates so made.

UNDER HEAD OF BUREAU OF PROVISIONS AND CLOTHING.

The expenditures required in this Bureau for provisions for officers, seamen, and marines, as well as each class of expenses, shall be separately given, and estimates so made.

UNDER HEAD OF BUREAU OF CONSTRUCTION AND REPAIR.

The expenditures required in this Bureau for preservation of vessels on the stocks and in ordinary, estimating for each vessel by name; the purchase of materials and stores of all kinds, stating the proposed use in detail; labor in navy-yards and on foreign stations, stating the class and number of clerks, writers, and laborers, and amount of per diem proposed, and in each navy-yard and station separately; for purchase of tools, wear, tear, and repair of vessels afloat, building of any new vessel, and any other item of expense under said Bureau, shall be separately given, and estimates so made.

UNDER HEAD OF BUREAU OF STEAM ENGINEERING.

The expenditures required in this Bureau for repairs and preservation of machinery, boilers, &c., on naval vessels, for labor in the navy-yards, for materials, stores, and supplies, and construction of boilers, and incidental expenses, shall be separately given, and for each navy-yard, and estimates so made.

UNDER HEAD OF NAVAL ACADEMY.

The expenditures required at the Naval Academy for pay of professors, clerks, employés, watchmen, and others, repairs, and improvements, heating and lighting, incidental and contingent expenses, shall be separately given, and estimates so made.

UNDER HEAD OF MARINE CORPS.

The expenditures required for the pay, support, and maintenance of the Marine Corps, together with the incidental and contingent expenses thereof, shall be separately given, classified, and estimates so made.

SEC. 2. That the appropriations made for one class or item of expenditures shall not be otherwise used or expended than is therein and thereby directed.

The question recurred on ordering the bill, as amended, to be engrossed and read a third time.

Mr. KASSON. I hope the gentleman from Maine will make some explanation of this bill before it is put upon its passage.

Mr. BURLEIGH. Mr. Speaker, it has been the custom of the Secretary of the Navy, until the last year or two, to send to the House detailed, itemized estimates of the expenditures of that Department. The bill heretofore embraced about one hundred pages of our usual size. Last year it was reduced to about twelve or thirteen pages. The items were condensed. At that time, in the interest of economy and in the interest of Congress, having a supervision over the expenditures of the Navy, and in the interest of the great party to which I belong, I called the attention of Congress to this fact. Then neither side of the House sustained me; I suppose probably because the House thought it too late to radically change a bill submitted to the House by the Committee on Appropriations. That objection does not obtain as against this bill to day, and I trust we shall have for it a large, or I may say a unanimous vote, tending as I believe it does toward the object at which we all aim, economy in the public expenditure.

Mr. WHITTHORNE. Mr. Speaker, I may be permitted to remark that I had the honor to introduce the original bill which was referred to the Committee on Naval Affairs and was by that committee reported back with sundry amendments, which have just been adopted by the House.

I take pleasure in stating that my attention was first called to what I regarded as defects in existing laws relating to this matter by my colleague on the committee, the gentleman from Maine, [Mr. BURLEIGH.] I remember during the last session of Congress, or the session previous to that, that in very earnest words he called attention to what he regarded as an abuse. That abuse was that, in half a dozen lines, and without any particular attention being directed to what should be the specific uses of a given appropriation, a sum of $3,000,000 was appropriated, the control of which was either in the head of a Bureau or in the Secretary of the Navy.

Now, turning to what has been the practice in the last few years, although it had not been so heretofore, I have to call the attention of the House and of the country to the fact that in the space of some five or six pages only in the estimates submitted by the Secretary of the Treasury an expenditure of the public money is called for exceeding in amount $18,000,000. In view of what is notorious to the country as being, I am at liberty to say, at least an extravagant abuse, by the Bureau of Construction and Repair, of the appropriations heretofore made by the Congress of the United States, and to show that they are enabled to commit this very great abuse in the first place owing to the want of watchfulness on the part of the legislators of the country, I desire the attention of the House for a moment while I read from the estimate submitted at the present time by the Secretary of the Navy through the Secretary of the Treasury for this Bureau of Construction and Repair:

Preservation of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; labor in navy-yards and on foreign stations; preservation of material; purchase of tools; wear, tear, and repair of vessels afloat, and general maintenance of the Navy; incidental expenses, advertising, and foreign postages.

Now may I ask, sir, taking the words of this estimate, how much shall the Secretary of the Navy or the head of this Bureau expend upon "labor in navy-yards?" Shall he, under cover of the words there used, turn loose over two millions or two and a half millions of dollars in the employment of labor at the navy-yards? Shall it be used in the repair of old vessels? Shall it be used in building new ones? Shall it be in the construction of vessels? Shall it be in the repair of vessels? Shall it be for "incidental expenses?" For what purpose shall it be?

Sir, you have put no limit or control whatever on the discretion of the Secretary of the Navy. That such a limit should be imposed on his discretion is, in my humble judgment, evident from the fact that millions and millions of dollars have been recklessly if not criminally abused under appropriations which are covered by these general terms.

Sir, may I turn to another estimate here where general terms are employed? I turn to the item "Contingent, Bureau of Provisions and Clothing:"

Candles; for fuel; for books and blanks; for stationery; for telegrams and express charges; for tolls, ferriages, and car tickets; for ice; and for incidental labor not chargeable to other appropriations, $60,000.

How much of that is to be paid for car tickets; and how much for ice? Shall it be $40,000 for the one item, and $10,000 for the other? What control do you place over the parties to whom you commit the responsibility of disbursing the public money?

But, Mr. Speaker, it may be said that we require too much when we ask of the heads of these Bureaus that they shall itemize their expenditures. I ask your attention to this book which I hold in my hand. It is the navy estimates for the naval establishment of Great Britain. Look at this large book, as I hold it in my hand turning over its pages, and then look at the Book of Estimates submitted for your entire public service. One is almost as large as the other. And yet gentlemen say that we do too much in requiring that the heads of these Bureaus, the men in whose hands you place millions of dollars, shall itemize. Let us look for a moment at these estimates made for the British naval establishment. You find there the number of workmen, the number of employés, the number of laborers in each and every navy-yard of Great Britain. And, turning to the officers, you find them set forth rank by rank and class by class, the numbers of each being given. Do we do that in our service? Can you tell the number of officers of one class or the number of officers of another class from these estimates? Do you know how many admirals there are, how many commodores, how many captains, how many lieutenants, how many sergeants in the Marine Corps—how many corporals, how many of this class or that class of officers?

Then, sir, going beyond that, it is said, or may be urged, that when you go into the navy-yard establishments of the country it is too

much to require of them that they shall name the purpose for which you are asked to make the appropriations in every case. I read again from the British naval estimates, taking the naval establishment at Chatham and the estimates there submitted:

Charge platform for iron foundery.
Additional water-closet for mill-wright shop.
Additional urinal near the iron foundery.
Clearing harbor of mud.
Ladder-iron at No. 2 dock, (in new part of yard.)
Repairing traveler-beams, Nos. 3 and 4 docks.
Roof for trimming-shop in iron foundery.
Shed for traction and locomotive engines.

And here are other items going down to the very minutest detail.

This is required and performed in the naval establishment of Great Britain. Why might it not be done here? Sir, in my humble judgment, if the reform, which may not be perfect, initiated here by the Committee on Naval Affairs shall enter every branch of the public service, you will then have the means in your own hands to detect frauds, robbery, and abuses. As it is now you do not have it. The committee who are charged with the investigation of the affairs of the Navy Department were at a loss, in setting out in their investigations, to know how the accounts had been opened and how kept. If you will enable future Congresses, by requiring of all public servants charged with the disbursement or expenditure of public money that they shall first submit to Congress an item and the purpose for which they want the item, and then hold them to their demand and see that they do not go beyond it, you will enable Congress to put a stop to frauds and abuses.

Sir, may I allude to an abuse existing in this very Department of which I am talking? Do I go too far when I ask of my colleagues on the committee if it is not true that it has been the habit, the constant, repeated habit, in the Navy Department to transfer an appropriation made for one service to another? Do I go too far when I intimate on this floor that the deposit made by the Navy Department with Jay Cooke & Co. was a scandal to the country? Do I go too far when I say that it arose from a transfer of funds authorized by the Secretary of the Navy and done under his order that that scandal and reproach were brought upon the country? Shall it be prevented hereafter, by reforming the mode of making estimates and requiring that hereafter, they shall estimate for what they do want, and when Congress makes an appropriation for that purpose that the amount shall not be diverted from the purpose for which Congress intended it.

Sir, it was to correct this great abuse, I was almost tempted to say crime, that the Committee on Naval Affairs have been induced to make this report.

In these few hurried words I have endeavored as briefly as I might to explain the object and purpose of the committee in submitting this bill for, I hope, the favorable action of the House.

I yield now to the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL. Mr. Speaker, this is a most important bill. It is a bill the salutary effect of which can hardly be overstated. In the first place the Committee on Appropriations should have this information under the authority of law. As it is now, the Committee on Appropriations have found it necessary to make a demand for these itemized estimates on the various Departments of the Government in order to a correct understanding of the requirements of the money asked for, and I hope that every Department of the Government will be made to comply in the method of itemized estimates in the future with what is now proposed to be required by this bill of the Naval Department. The saving of time, the saving of labor, in addition to the correct formation of all the appropriation bills, will be very great if this bill is adopted as to the Naval Department, and if we should adopt some measure of a like character in reference to the War Department we should find that this lump mode of appropriations would be done away with and immense economy be reached.

Under the present system take for instance the legislative, &c., appropriation bill, which we have now under consideration in Committee of the Whole; why, sir, if we had got itemized accounts, as is proposed in this bill as to the Navy Department, for the various matters embraced in this bill, we should have had the bill before the House a month before it was introduced. If this bill be passed, it will expedite the labors of the Committee on Appropriations on the naval appropriation bill, and we are permitted to ask of the Navy Department correct estimates as provided for in this bill.

What the chairman of the Committee on Naval Affairs [Mr. WHITTHORNE] states is correct, that it is almost impossible in this aggregate manner of estimates for appropriations to the extent of millions of dollars to discriminate as to what our judgment deems right and what we might consider to be wrong. We have attempted, it is true, to get these itemized accounts from the Navy Department and also from the War Department, but this to my mind is the most practicable, far-reaching, and correct system that I have yet heard of in connection with these Departments. I hope therefore not only that this bill will pass, but that every Department of the Government will be required to conform to the mode of estimating as provided for in this bill with reference to the Navy Department.

Mr. HALE. Mr. Speaker, I see no reason why the administration of the Navy Department may not be properly conducted under this bill. It is in the right direction. It is in the direction in which all the estimates and appropriations have run during the existence of the Government, and that is to more and more particularize. I have not had time to examine fully the bill offered by my colleague, [Mr. BURLEIGH,] and now before the House, but so far as I have looked into it I see little in it that is objectionable. I only wish that other committees would go to the same extent that the Committee on Naval Affairs has here gone.

And lest gentlemen who have not examined these subjects may believe that the Navy Department particularly has sent in gross estimates upon which appropriations have been made, let me say that other Departments have done the same thing, and even to a greater extent than the Navy Department. If gentlemen will turn to the Book of Estimates, which I now have before me, and examine those for the War Department, they will find a single item for the Quartermaster's Department larger than any one item in the estimates for the Navy Department, with which so much fault is found here. They will find that this single item appropriated for in gross in the appropriation bill for the War Department amounts to $4,250,000. They will also find that the single estimate for incidental expenses, which expenses are not itemized, amounts to $1,200,000. Under the head of Army transportation, they will find that estimates have been made and that appropriations have followed in the gross amount of $4,000,000 in the annual appropriation bill. Under the head of "Barracks and Quarters," they will find that one and a half millions have been appropriated. If their curiosity leads them to examine the Book of Estimates still further they will find that we have appropriated in gross for the Internal-Revenue Bureau of the Treasury Department, under one head, $2,300,000 for the pay and expenses of supervisors, agents, surveyors, gaugers, store-keepers, and for the much and deservedly disliked generality, "miscellaneous expenditures."

If they will turn further to the estimates for the Department of Justice they will find that estimates have been made of $2,000,000 for the payment of judgments of the Court of Claims, and appropriations have followed, not to that amount, but for hundreds of thousands of dollars. For the single item of running the courts there have been estimates made and appropriations following in the gross to the amount of $3,000,000.

Therefore there is no fairness in any impression being given—I do not say that any one has attempted to do so—but there is no fairness in any impression being received that in this regard the Navy Department has been especially reckless and careless or not subject to proper scrutiny. That is not so; the evil runs through all the Departments of the Government. The sooner and the more effectually it is remedied, the better.

While I am upon this question of particularizing the estimates for appropriations, I desire to say a few words more. It is an interesting subject to study: how, beginning with the first annual appropriation bill, which covered the expenses of all the departments of the Government, these being for twenty years comprehended in a single annual appropriation bill, to be found in all early volumes of the Statutes at Large—it is a curious and interesting thing to see how those appropriations, instead of being compacted, have been broken up, have been separated, have been itemized.

I hold in my hand a volume containing the single appropriation bill for the year succeeding July, 1789. It is a bill of only thirteen printed lines, and contains a single long item. That was the only appropriation bill for the whole year. Following along later than that, I find a single appropriation bill covering the expenses of all the branches of the Government, Army, Navy, diplomatic intercourse, the expenses of the Treasury Department and of the judicial department, the expenses of every department of the Government in a single appropriation bill of three pages.

So it continued, and the course of events was in the direction of this bill of my colleague, [Mr. BURLEIGH,] an improvement. After awhile each Department submitted estimates, and appropriations were made particularly. I have here what I believe to be the first, or one of the first, naval appropriation bills. Now when gentlemen are led to believe that the Navy Department, or in fact any Department, has been compacting its estimates of its expenditures, it is worth the while to look, as an illustration, to the first, or one of the first, naval appropriation bills. I have here the one for the year 1800, to be found in volume 2 of the Statutes at Large. It is an appropriation bill for the entire annual expenditures of the Navy Department, and it is upon a single page of this volume, occupying about two-thirds of the page. It contains the entire appropriation for the Navy Department for that year, amounting to $2,482,953.

Following down later I find that the good work of itemizing began, and that each year some items of expenditure were separated. But for the next twenty-five or thirty years I do not find any appropriation bill covering more than two or three printed pages. Here is another naval appropriation bill, occupying the part of one page and a part of the next. So on down even as late as 1860 I find the naval appropriation bill, with all the amendments added thereto in the nature of legislation, covering only four pages of a volume of the Statutes at Large.

The truth is that these expenditures have been, as they should be, more and more itemized from time to time, except perhaps that there may have been particular cases where it was thought that discretion as to the expenditure of the funds should be placed in the hands of the Secretary of the Navy. But, generally speaking, the naval appropriation bill has been separated, been spread out so that daylight could

be let into it, rather than the reverse. If gentlemen will look at the naval appropriation bills for the last few years they will find that to be generaliy the case. That is one reason why the Book of Estimates for this year, which I hold in my hand, is so much larger than it was fifteen years ago.

I remember that the former chairman of the Committee on Appropriations at one time held up two Books of Estimates of different years, citing the increased size as a result of the increase of expenditure, when in fact, if he had been a little deeper in his criticism, he would have seen that the increase in size resulted from separating items and expenditures.

Now I have had no consultation upon this point with the head of the Department; but from having some familiarity with naval appropriation bills for the last half-dozen years, I know that he can run his Department on this bill of my colleague and that he will try to do so. He can run his Department on the appropriations that Congress makes. I know his position is that it is not his Navy; it is our Navy. The appropriations are not settled by him but by us. The manner of itemizing is not to be settled by him but by us. Therefore I have not arisen for the purpose of opposing my colleague's bill, but only to call attention to the fact that other Departments are running in the same way, and that in general, treated historically, the direction of estimates of appropriation has been right instead of wrong. It has been to separate rather than to aggregate.

Mr. BURLEIGH. I desire to ask my colleague a question before he sits down. I made the statement that last year the estimates of expenditures in the Navy, as embraced in the appropriation bill presented to the House, were very much reduced from what they had been in previous years. Does not my colleague recollect that they covered about one-eighth as much space last year as they did the year previous, or the two previous years?

Mr. HALE. Does the gentleman refer to the space in the bill?

Mr. BURLEIGH. The space in the appropriation bill as it came to the House with the estimates.

Mr. HALE. Does my colleague refer to the space occupied by the estimates, or by the bill as it passed Congress? The two are distinct, of course.

Mr. BURLEIGH. The bill as it came before Congress and passed last year was but fifteen pages, while the year before the corresponding bill was one hundred pages long. Does not my colleague recollect it?

Mr. HALE. I certainly have no recollection of that kind.

Mr. BURLEIGH. The bills will show for themselves.

Mr. HALE. I never reported a naval appropriation bill of one hundred pages; and I never reported any two naval appropriation bills with any such difference as my colleague seems to think existed. I would like to ask my colleague a question. What items were consolidated in the bill of last year, and separated the year before?

Mr. BURLEIGH. The civil items were consolidated; the items for construction and repairs were consolidated.

Mr. HALE. Not last year.

Mr. BURLEIGH. I beg my colleague's pardon.

Mr. HALE. How had it been before?

Mr. BURLEIGH. It was divided among the different yards, in my opinion; I cannot say positively.

Mr. HALE. For twenty-five years the general appropriation for the Bureau of Equipment and Recruiting has been found in one place; not divided around among the several yards.

Mr. BURLEIGH. There is no use for us to dispute about this. The record will show for itself.

Mr. HALE. And that is the very thing to which I would refer my colleague before he asks any more questions.

Mr. BURLEIGH. I yield to the gentleman from Iowa, [Mr. KASSON.]

The SPEAKER. The Chair will remind the gentleman from Maine that the morning hour is nearly out.

Mr. BURLEIGH. Then I call the previous question.

Mr. KASSON. I want, I suppose, but five minutes; I shall not exhaust the patience of the gentleman or of the House.

The SPEAKER. The gentleman from Maine can yield for a short time.

Mr. KASSON. I will return the floor to the gentleman in time for him to call the previous question; or, if he so desires, I will call it myself.

Mr. BURLEIGH. I yield to the gentleman for five minutes.

Mr. KASSON. When I sought the attention of the House for a moment in order to get an opportunity to obtain the bill and examine it, I did so chiefly with reference to what I understood to be the effect of the second section of the bill. The main purport of the bill I heartily agree to; I have no dissent to make from it.

From the second section, however, a difficulty will I fear arise in practice under the bill as I understand it. That section provides that "the appropriations made for one class or item of expenditures shall not be otherwise used or expended than as herein and hereby directed." Then the body of the bill, if I am not mistaken, requires that estimates be made for each navy-yard, including the repairs to machinery and the repairs to vessels. The operation of that provision, if I construe it rightly, will not be consistent with the safe or economical administration of the Navy Department, because, when you come to the question of repairs—the need for them resulting as it often does from diasters at sea and along the coast—you must allow your vessels to resort to the most convenient navy-yards in order to obtain the necessary repairs. If the appropriation should be exhausted at one navy-yard, they must, under this bill, go from navy-yard to navy-yard until they find one at which the specific appropriation is not exhausted.

The object of the bill will be accomplished fully by such a proviso as will enable that class of expenditures to be disbursed at the most convenient navy-yard. I ask the gentleman whether I am not correct in my construction?

Mr. WHITTHORNE. The gentleman from Iowa labors under a misapprehension; for, if he will turn to the paragraph under the head of "Bureau of Construction and Repairs," he will see it is made the duty of that Bureau to estimate whatever sum may be needed for the preservation and repair of vessels. They do not enter into the expenditures for navy-yards.

Mr. KASSON. I see under the head of "Yards and Docks" that the expenditures required in this Bureau were so and so, and then all items of expense of any character attaching to or required by this Bureau shall be separately given, and estimates so made, and for each navy-yard and station separately. So also, under the head of "Bureau of Steam-Engineering," on the fourth page of the bill, I find that the expenditures requred in this Bureau for repairs and preservation of machinery, boilers, &c., on naval vessels, for labor in the navy-yards, for materials, stores, and supplies, and construction of boilers, and incidental expenses, shall be separately given, and for each navy-yard, and estimates so made. I find it does seem to limit this kind of expenditures to specific yards, and creates the difficulty to which I have referred.

Let me make a suggestion to the chairman of the committee, if he is not confident I misconstrue the provision, whether it would not be better to add a proviso that any amount appropriated for repair of vessels and machinery may be disbursed at any navy-yard or station which may be most conveniently located for that purpose. With that provision I think the danger I speak of will be obviated.

Mr. WITTHORNE. The gentleman from Iowa does not understand the mode of these expenditures in navy-yards. Whatever is to be done under the head of "Yards and Docks" is appropriated for specifically, and all expenditures for repair and preservation of vessels are provided for under the head of "Construction and Repair." If a vessel reaches Charleston or Norfolk for repairs the expenditure for those repairs does not come out of the appropriation for yards and docks, but out of the appropriation under the head of the "Bureau of Construction and Repair." Whatever repairs are made upon a vessel reaching Charleston or Norfolk are made under order of the proper Bureau, and the expenditure comes out of the fund set apart by appropriation for that Bureau.

Mr. KASSON. The gentleman is mistaken, I think, in this. I do understand that to be the mode practiced by the Department heretofore. If that should continue to be practiced the gentleman would be right, and I would be wrong. My point is that by the provisions of this bill, when the appropriations come to be made in accordance with them, that practice is changed. Under the head of the Bureau of Steam Engineering it is provided that the expenditures required in this Bureau for repairs and preservation of machinery, boilers, &c., on naval vessels, for labor in the navy-yards, for materials, stores, and supplies, and construction of boilers, and incidental expenses, shall be separately given, and for each navy-yard, and estimates so made. I should like to have permission to submit my amendment.

Mr. BURLEIGH. My time is very nearly out. If the gentleman's amendment should be admitted and adopted, it will defeat, in my judgment, the whole purpose of this bill.

Mr. KASSON. Then the gentleman differs from the chairman of the committee.

Mr. BURLEIGH. I demand the previous question.

Mr. HALE. I ask my colleague to yield to me for a moment.

Mr. BURLEIGH. I have not time.

Mr. HALE. It will only take half a minute. I have the appropriations bills the gentleman referred to as different in bulk.

Mr. BURLEIGH. They are not in the same size of print, and you cannot register the number of pages so as to make a comparison.

Mr. HALE. They are the same print, and for each year; the bill occupies seven pages of the printed volume of appropriatons. That for the year before last is found in the same book, and occupies but seven pages.

Mr. BURLEIGH. I did not say two years ago or one year ago, but three years ago.

Mr. HALE. I have that one here also, and the number of lines is less than the year succeeding.

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. BURLEIGH 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.

EXTRADITION TREATY WITH GREAT BRITAIN.

Mr. FAULKNER, from the Committee on Foreign Affairs, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Foreign Affairs be instructed to inquire if there be any conflict of construction between the government of Great Britain and the United States in reference to the extradition treaty of 1842, and whether, if any, what legislation is proper by Congress to remove any difficulties, if such exist, in the execution of said treaty; and the committee is authorized to call upon the Secretary of State for all recent correspondence touching the subject of this inquiry.

CITIZENSHIP.

Mr. FAULKNER also, from the same committee, reported back the bill (H. R. No. 2245) to carry into execution the provisions of the fourteenth amendment to the Constitution concerning citizenship, and to define certain rights of citizens of the United States in foreign countries and certain duties of diplomatic and consular officers, and for other purposes, with the recommendation that it do pass.

The bill was read *in extenso*.

Mr. COX. Has the morning hour expired?

The SPEAKER. It has.

Mr. COX. I call for the regular order.

The SPEAKER. The gentleman from West Virginia [Mr. FAULKNER] desires to make a request of the House.

Mr. COX. I object to the consideration of that bill now.

The SPEAKER. The gentleman from West Virginia does not propose to ask the House to consider it now. He desires to make a request of the House.

Mr. FAULKNER. It will have been seen that this bill is of considerable importance, and several members have urged me not to press its consideration at this time. I ask that it be made a special order for Saturday two weeks, after the morning hour.

Mr. COX. I would ask if this is the same bill which was in the House two years ago?

Mr. FAULKNER. It is not the same. There are considerable modifications.

Mr. COX. It is a bill which proposes to register and have a police supervision over our people who go abroad.

The SPEAKER. To what day does the gentleman desire to have the consideration of the bill assigned?

Mr. FAULKNER. Saturday, the 15th of April.

Mr. O'BRIEN. I desire to ask the gentleman who has charge of the bill if it will then be open to amendment?

Mr. FAULKNER. Certainly.

There was no objection, and the bill was made a special order for Saturday, the 15th of April, after the morning hour.

Mr. FAULKNER. I move that the bill be reprinted.

There was no objection, and it was so ordered.

WILLIAM W. BELKNAP.

Mr. KNOTT. I rise to make a privileged report. The Committee on the Judiciary having had under consideration the resolution of the House directing them to prepare and report articles in support of the impeachment of William W. Belknap, late Secretary of War, for high crimes and misdemeanors in office, have directed me to report such articles and an accompanying resolution for the action of the House. I ask that the report be printed and recommitted, and I give notice that I shall call it up for action at a convenient hour on the day after to-morrow. I presume it will be unnecessary to occupy the time of the House in reading those lengthy articles. I move that they be printed for the use of the House and recommitted to the committee.

The motion was agreed to.

Mr. KNOTT. I ask, also, that they be printed in the CONGRESSIONAL RECORD.

There was no objection, and it was so ordered.

The report is as follows:

The Committee on the Judiciary, having had under consideration the resolution of the House directing them to prepare and report articles in support of the impeachment of William W. Belknap, late Secretary of War, for high crimes and misdemeanors in office, respectfully report the following articles and accompanying resolutions for the action of the House:

Resolved, That the following articles be adopted and presented to the Senate, in maintenance and support of the impeachment for high crimes and misdemeanors in office of William W. Belknap, late Secretary of War:

Articles exhibited by the House of Representatives of the United States of America in the names of themselves and of all the people of the United States of America, against William W. Belknap, late Secretary of War, in maintenance and support of their impeachment against him for high crimes and misdemeanors while in said office.

ARTICLE I.

That William W. Belknap, while he was in office as Secretary of War of the United States of America, to wit, on the 8th day of October, 1870, had the power and authority, under the laws of the United States, as Secretary of War as aforesaid, to appoint a person to maintain a trading establishment at Fort Sill, a military post of the United States; that said Belknap, as Secretary of War as aforesaid, on the day and year aforesaid, promised to appoint one Caleb P. Marsh to maintain said trading establishment at said military post; that thereafter, to wit, on the day and year aforesaid, the said Caleb P. Marsh and one John S. Evans entered into an agreement in writing substantially as follows, to wit:

"Articles of agreement made and entered into this 8th day of October, A. D. 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 continuation of this agreement at the close of the first year thereof shall be applied at the close of each succeeding year so long as this 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 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.

"JOHN S. EVANS. [SEAL.]
"C. P. MARSH. [SEAL.]

"Signed, sealed, and delivered in presence of—
"E. T. BARTLETT."

That thereafter, to wit, on the 10th day of October, 1870, said Belknap, as Secretary of War aforesaid, did, at the instance and request of said Marsh, at the city of Washington, in the District of Columbia, appoint said John S. Evans to maintain said trading establishment at Fort Sill, the military post aforesaid, and in consideration of said appointment of said Evans, so made by him as Secretary of War as aforesaid, the said Belknap did, on or about the 2d day of November, 1870, unlawfully and corruptly receive from said Caleb P. Marsh the sum of $1,500, and that at divers times thereafter, to wit, on or about the 17th day of January, 1871, and at or about the end of each three months during the term of one whole year, the said William W. Belknap, while still in office as Secretary of War as aforesaid, did unlawfully receive from said Caleb P. Marsh like sums of $1,500, in consideration of the appointment of the said John S. Evans by him, the said Belknap, as Secretary of War as aforesaid, and in consideration of his permitting said Evans to continue to maintain the said trading establishment at said military post during that time; whereby the said William W. Belknap, who was then Secretary of War as aforesaid, was guilty of high crimes and misdemeanors in office.

ARTICLE II.

That said William W. Belknap, while he was in office as Secretary of War of the United States of America, did, at the city of Washington, in the District of Columbia, on the 4th day of November, 1873, willfully, corruptly, and unlawfully take and receive from one Caleb P. Marsh the sum of $1,500, in consideration that he would continue to permit one John S. Evans to maintain a trading establishment at Fort Sill, a military post of the United States, which said establishment said Belknap, as Secretary of War as aforesaid, was authorized by law to permit to be maintained at said military post, and which the said Evans had been before that time appointed by said Belknap to maintain; and that said Belknap, as Secretary of War as aforesaid, for said consideration, did corruptly permit the said Evans to continue to maintain the said trading establishment at said military post. And so the said Belknap was thereby guilty, while he was Secretary of War, of a high misdemeanor in his said office.

ARTICLE III.

That said William W. Belknap was Secretary of War of the United States of America before and during the month of October, 1870, and continued in office as such Secretary of War until the 2d day of March, 1876; that as Secretary of War as aforesaid said Belknap had authority, under the laws of the United States, to appoint a person to maintain a trading establishment at Fort Sill, a military post of the United States, not in the vicinity of any city or town; that on the 10th day of October, 1870, said Belknap, as Secretary of War as aforesaid, did, at the city of Washington, in the District of Columbia, appoint one John S. Evans to maintain said trading establishment at said military post; and that said John S. Evans, by virtue of said appointment, has since, till the 2d day of March, 1876, maintained a trading establishment at said military post, and that said Evans, on the 8th day of October, 1870, before he was so appointed to maintain said trading establishment as aforesaid, and in order to procure said appointment and to be continued therein, agreed with one Caleb P. Marsh that, in consideration that said Belknap would appoint him, the said Evans, to maintain said trading establishment at said military post, at the instance and request of said Marsh, he, the said Evans, would pay to him a large sum of money, quarterly, in advance, from the date of his said appointment by said Belknap, to wit, $12,000 during the year immediately following the 10th day of October, 1870, and other large sums of money, quarterly, during each year that he, the said Evans, should be permitted by said Belknap to maintain said trading establishment at said post; that said Evans did pay to said Marsh said sum of money quarterly during each year after his said appointment, until the month of December, 1875, when the last of said payments was made; that said Marsh, upon the receipt of each of said payments, paid one-half thereof to him, the said Belknap. Yet the said Belknap, well knowing these facts, and having the power to remove said Evans from said position at any time, and to appoint some other person to maintain said trading establishment, but criminally disregarding his duty as Sec-

retary of War, and basely prostituting his high office to his lust for private gain, did unlawfully and corruptly continue said Evans in said position and permit him to maintain said establishment at said military post during all of said time, to the great injury and damage of the officers and soldiers of the Army of the United States stationed at said post, as well as of emigrants, freighters, and other citizens of the United States, against public policy, and to the great disgrace and detriment of the public service.

Whereby the said William W. Belknap was, as Secretary of War as aforesaid, guilty of high crimes and misdemeanors in office.

ARTICLE IV.

That said William W. Belknap, while he was in office and acting as Secretary of War of the United States of America, did, on the 10th day of October, 1870, in the exercise of the power and authority vested in him as Secretary of War as aforesaid by law, appoint one John S. Evans to maintain a trading establishment at Fort Sill, a military post of the United States, and he, the said Belknap, did receive, from one Caleb P. Marsh, large sums of money for and in consideration of his having so appointed said John S. Evans to maintain said trading establishment at said military post, and for continuing him therein, whereby he has been guilty of high crimes and misdemeanors in his said office.

Specification 1.—On or about the 2d day of November, 1870, said William W. Belknap, while Secretary of War as aforesaid, did receive from Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and for continuing him therein.

Specification 2.—On or about the 17th day of January, 1871, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and for continuing him therein.

Specification 3.—On or about the 18th day of April, 1871, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 4.—On or about the 25th day of July, 1871, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 5.—On or about the 10th day of November, 1871, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 6.—On or about the 15th day of January, 1872, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 7.—On or about the 13th day of June, 1872, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 8.—On or about the 22d day of November, 1872, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 9.—On or about the 28th day of April, 1873, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,000, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 10.—On or about the 16th day of June, 1873, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,700, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 11.—On or about the 4th day of November, 1873, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 12.—On or about the 22d day of January, 1874, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 13.—On or about the 10th day of April, 1874, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 14.—On or about the 9th day of October, 1874, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 15.—On or about the 24th day of May, 1875, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 16.—On or about the 17th day of November, 1875, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $1,500, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

Specification 17.—On or about the 15th day of January, 1876, the said William W. Belknap, while Secretary of War as aforesaid, did receive from said Caleb P. Marsh $750, in consideration of his having appointed said John S. Evans to maintain a trading establishment at Fort Sill aforesaid, and continuing him therein.

ARTICLE V.

That one John S. Evans was, on the 10th day of October, in the year 1870, appointed by the said Belknap to maintain a trading establishment at Fort Sill, a military post on the frontier, not in the vicinity of any city or town, and said Belknap did, from that day continuously to the 2d day of March, 1876, permit said Evans to maintain the same; and said Belknap was induced to make said appointment by the influence and request of one Caleb P. Marsh; and said Evans paid to said Marsh, in consideration of such influence and request and in consideration that he should thereby induce said Belknap to make said appointment, divers large sums of money at various times, amounting to about $12,000 a year from the date of said appointment to the 25th day of March, 1872, and to about $6,000 a year thereafter until the 2d day of March, 1876, all which said Belknap well knew; yet said Belknap did, in consideration that he would permit said Evans to continue to maintain said trading establishment and in order that said payments might continue and be made by said Evans to said Marsh as aforesaid, corruptly receive from said Marsh, either to his, the said Belknap's, own use or to be paid over to the wife of said Belknap, divers large sums of money at various times, namely: the sum of $1,500 on or about the 2d day of November, 1870; the sum of $1,500 on or about the 17th day of January, 1871; the sum of $1,500 on or about the 18th day of April, 1871; the sum of $1,500 on or about the 25th day of July, 1871; the sum of $1,500 on or about the 10th day of November, 1871; the sum of $1,500 on or about the 15th day of January, 1872; the sum of $1,500 on or about the 13th day of June, 1872; the sum of $1,500 on or about the 22d day of November, 1872; the sum of $1,000 on or about the 28th day of April, 1873; the sum of $1,700 on or about the 16th day of June, 1873; the sum of $1,500 on or about the 4th day of November, 1873; the sum of $1,500 on or about the 22d day of January, 1874; the sum of $1,500 on or about the 10th day of April, 1874; the sum of $1,500 on or about the 9th day of October 1874; the sum of $1,500 on or about the 24th day of May, 1875; the sum of $1,500 on or about the 17th day of November, 1875; the sum of $750 on or about the 15th day of January, 1876; all of which acts and doings were while the said Belknap was Secretary of War of the United States, as aforesaid, and were a high misdemeanor in said office.

And the House of Representatives by protestation, saving to themselves the liberty of exhibiting at any time hereafter any further articles of accusation or impeachment against the said William W. Belknap, late Secretary of War of the United States, and also of replying to his answers which he shall make unto the articles herein preferred against him, and of offering proof to the same and every part thereof, and to all and every other article, accusation, or impeachment which shall be exhibited by them, as the case shall require, do demand that the said William W. Belknap may be put to answer the high crimes and misdemeanors in office herein charged against him, and that such proceedings, examinations, trials, and judgments may be thereupon had and given as may be agreeable to law and justice.

Resolved, That seven managers be appointed by ballot to conduct the impeachment exhibited against William W. Belknap, late Secretary of War of the United States.

WASHINGTON, CINCINNATI AND SAINT LOUIS RAILROAD COMPANY.

Mr. JONES, of Kentucky. I am instructed by the Committee on Railways and Canals to report back the bill (H. R. No. 2798) to authorize the Washington, Cincinnati and Saint Louis Railroad Company to construct a narrow-gauge railway from tide-water to the cities of Saint Louis and Chicago, with a report by the committee favorable thereto, and to ask that the report may be printed, and that the House will fix a day for the consideration of the bill. I will suggest Tuesday, the 18th of April.

Mr. HOLMAN. It may be that this bill should go to the Committee of the Whole. I reserve points of order on it.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky that the report be printed and that the consideration of the bill be assigned to Tuesday, the 18th of April.

There was no objection, and it was so ordered.

ANDREW JOHNSON.

Mr. COX, by unanimous consent, introduced a bill (H. R. No. 2947) for the relief of Andrew Johnson, of Logansport, Indiana; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

SOUTHERN CLAIMS.

Mr. DOUGLAS, by unanimous consent, introduced a bill (H. R. No. 2948) to enable certain parties to have their claims re-opened and examined by the board of southern claims commissioners; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

An act (H. R. No. 356) concerning cases in bankruptcy commenced in the supreme courts of the several Territories prior to the 22d day of June, 1874, and now undetermined therein;

An act (H. R. No. 1343) to relieve S. J. Gholson, of Mississippi, of political disabilities imposed by the fourteenth amendment of the Constitution;

An act (H. R. No. 2589) to supply a deficiency in the appropriations for certain Indians;

An act (H. R. No. 2821) to supply a deficiency in the appropriation for the manufacture of postal cards for the fiscal year ending June 30, 1876; and

Joint resolution (H. R. No. 86) for the relief of the Turtle Mountain band of Chippewa Indians.

VISITORS TO THE MILITARY ACADEMY.

The SPEAKER. Under authority of law the Chair makes the following announcement: The Chair appoints the following members visitors to the Military Academy at West Point: Mr. A. S. WILLIAMS of Michigan, Mr. HARRIS of Georgia, and Mr. WHEELER of New York.

SUBSIDIARY SILVER COIN.

Mr. RANDALL. I move that the House now proceed to the consideration of the unfinished business of yesterday, being the bill in reference to the Printing and Engraving Bureau and the issue of subsidiary silver coin.

The motion was agreed to; and the House (Mr. COX in the chair as Speaker *pro tempore*) resumed the consideration of the bill (H. R. No. 2450) to provide for a deficiency in the Printing and Engraving Bureau of the Treasury Department and for the issue of silver coin of the United States in place of fractional currency.

The SPEAKER *pro tempore*. The pending question is on the substitute proposed by the gentleman from Iowa [Mr. OLIVER] for the amendment proposed by the gentleman from Texas, [Mr. REAGAN.]

The Clerk will first read the amendment proposed by the gentleman from Texas [Mr. REAGAN] as originally offered.

The Clerk read as follows:

Add the following as section 3:

SEC. 3. That the silver coins of the United States of the denomination of $1 shall be a legal tender at their nominal value for any amount not exceeding $50 in any one payment, and silver coins of the United States of denominations of less than $1 shall be a legal tender at their nominal value for any amount not exceeding $25 in any one payment.

The SPEAKER *pro tempore*. The Clerk will now read the substitute proposed by the gentleman from Iowa, [Mr. OLIVER.]

The Clerk read as follows:

Add the following as section 3:

SEC. 3. That section 3586 of the Revised Statutes is hereby repealed, and the following enacted in lieu thereof, to wit:

SEC. 3586. The trade-dollar shall be a legal tender only to the amount of $1 in any one payment, and the fractional silver coinage shall be a legal tender only for an amount less than $1 in any one payment.

Mr. OLIVER. Mr. Speaker, I ask that the last part of the amendment offered by the gentleman from Texas, [Mr. REAGAN,] which is his modification of his original amendment, and which was offered yesterday, be read, that I may determine whether I desire my amendment to be considered as a substitute for the amendment of the gentleman from Texas as modified or as a substitute for his original proposition only.

The Clerk read the modification proposed by Mr. REAGAN to his amendment yesterday, as follows:

Add to the end of the amendment the words "except for customs due to the United States .which shall be paid in gold, and except in satisfaction of contracts now existing and payable in gold.

Mr. RANDALL. How does that amendment come in?

The SPEAKER *pro tempore*. It is a modification of the amendment offered by the gentleman from Texas.

Mr. HOLMAN. It is certainly not in order; it is a further amendment now offered for the first time.

Mr. REAGAN. I submit that it is too late to make that objection now.

The SPEAKER *pro tempore*. The Chair will state that the modification was allowed yesterday to come in.

Mr. HOLMAN. Was it offered yesterday?

The SPEAKER *pro tempore*. It was; and it is too late now to make the objection. The gentleman from Texas modified his amendment yesterday, as the Clerk informs the Chair.

Mr. HOLMAN. Was it offered as a regular amendment or merely as a suggestion in the course of a speech?

The SPEAKER *pro tempore*. The gentleman modified his amendment by adding the words which have been read by the Clerk.

Mr. HOLMAN. I shall be glad to hear it read from the Journal, if the Journal shows the fact, for it is a very important amendment.

Mr. REAGAN. The gentleman from Indiana was not in his seat at the time I made the modification.

The SPEAKER *pro tempore*. The Chair is informed that it was offered as a regular modification; there is no doubt about that.

Mr. OLIVER. I desire that my amendment shall be considered as pending as a substitute for the original proposition of the gentleman from Texas, and not as a substitute for the whole of his proposition as he has modified it. Mr. Speaker, it is incumbent on the friends of this measure in presenting it for the favorable consideration of this House to show two things: first, that it is feasible and, second, that it will be advantageous.

It is a fact that has been demonstrated by history, and which the friends of this bill do not dispute, that no currency can be kept in circulation in any country when that currency can be exported at a profit, and it is for that reason that the friends of the bill have felt that it was incumbent upon them to show that the bullion value of silver was so low that it would not be exported.

Sir, it will not be exported to England, for there it will not circulate as money. If it is put upon the market there it must be sold at its bullion value or melted and recoined. For that reason it will not be exported to England, it will not be exported to France, it will not be exported to Germany. But, sir, the friends of this bill forget that there are other countries where American silver circulates at par with gold—at a value 15 per cent. above its value in the United States, where, if it circulates at all, it must circulate at par with greenbacks. They forget that in Canada the silver coins of the United States circulate side by side with Canadian money; not at a greenback value, but at a gold value. Sir, will they show us what will prevent its exportation to Canada? Will they show us why it will not go over the border as rapidly as the avarice of man can carry it? In some of the islands of the West Indies I understand that American silver is the only silver money in circulation, the only fractional currency, and circulates there at a gold value—at a value of fifteen cents above the value at which you propose it shall circulate here. Will you tell us what will prevent its flying to those countries; tell us what will prevent its flying to the American countries south of us, where it circulates side by side with the coin of those countries at the value of gold?

Sir, I apprehend that nothing will and nothing which we can do can prevent it. I apprehend that it is impossible for us to reverse the laws of trade and commerce. It does not lie in the power of any American Congress to prevent it. It can only be done by the refusal of those countries to receive it, and that refusal is not probable. I warn the friends of this bill that they will see our silver depart from this country, and that in less than six months it will be necessary to resort again to paper as a fractional currency.

Mr. Speaker, there is another difficulty with this bill to which I desire to call the attention of its friends.

Mr. KELLEY. I would like to state a fact to the gentleman from Iowa just here.

Mr. OLIVER. I cannot yield if it comes out of my time.

Mr. KELLEY. I desire only to say that the money articles in yesterday evening's papers report an export of $30,000 of silver coin yesterday.

Mr. OLIVER. As I said before, all history has demonstrated, as the friends of this bill have conceded, that it is impossible to keep money in circulation in any country at a lower value than that at which it will circulate abroad. It is equally impossible to compel American silver to circulate in this country at two different values; and that is what the friends of this bill propose to do. The standard of value in the Atlantic States is a greenback standard; the standard in the Pacific States is a gold standard. Now, sir, how is it possible to keep this American silver in circulation in the Atlantic States at a greenback value, or at eighty-six cents gold on the dollar greenbacks, when it circulates on the Pacific coast at $1 in gold, equal to about $1.15 greenbacks? It is an absolute impossibility. Your silver will fly to the Pacific States; it will flood every avenue of trade and commerce and compel the people of the Pacific States to resort either to greenbacks or to silver as a standard. They cannot maintain in circulation, side by side, two standards of value differing from each other fifteen cents on the dollar. The cheaper currency, silver, will inevitably drive out the dearer, gold, and thus, as a result of this bill, you will at once force the only part of your country where specie payments now exist to abandon them and accept your paper standard, and will deprive the Atlantic States, at least for a period, of the fractional circulation necessary to its business.

[Here the hammer fell.]

Mr. OLIVER. I trust I shall be allowed a little more time, inasmuch as I was interrupted.

The SPEAKER *pro tempore*. The gentleman has had his full five minutes.

Mr. REAGAN. As I regard the amendment which I have offered, as modified by me on yesterday, of some importance, I have sought the floor to oppose the substitute for it for the purpose of advocating my amendment.

The object of the second section of the bill under consideration is to substitute silver coin for fractional currency. And one of the reasons for that substitution, as I learn from the Committee on Appropriations, in addition to obtaining a circulating medium not so liable to wastage, loss, and counterfeiting, is to avoid the expenditure of some $1,400,000 for printing, taking in and re-issuing the paper fractional currency, in order to keep the country supplied with the necessary amount of it. The amendment I have offered is intended to aid the second section of this bill, and I would be glad to have the attention of members of the House to it for a few moments.

One of the objections urged against the substitution of silver coin for fractional currency is the want of value in the silver. I know also that it is argued that it is too valuable to be so used. But I shall first address myself to the argument of the want of value in silver to take the place of our fractional currency. I understand that it is now, and probably will remain, below the par of gold. But how are we to give it a value which will bring it to a proper standard in the money market and the business transactions of the country? We can do so by making it receivable in the payment of all debts and dues to some amount that will give it a commercial value. At present it is receivable in any one payment only to the amount of $5.

The gentleman from Iowa [Mr. OLIVER] proposes by his amendment to make the trade-dollar receivable in payments only to the amount of $1, and the silver coins of less denomination than $1 receivable in payments only to an amount less than $1. That proposition, if adopted, would practically and substantially drive our silver coins out of use as money, and keep in use this fractional currency at its reduced value as compared with gold, and at a cost to the people of $1,400,000 a year to print, take up, and re-issue the fractional currency, so as to keep in circulation an amount sufficient to supply the wants of the people.

On a former occasion I alluded to the fact, and I repeat it now, that our country is blessed with mines which annually develop almost countless millions of silver, which is converted into bullion and which may well be substituted for the fractional currency of the country if we are disposed to pursue a policy that will allow it to be utilized for that purpose. If we intend, as the committee propose, to make silver coin a substitute for fractional currency, then we ought by our legislation to give it its proper commercial value by making it receivable in such sums as will make it available in the ordinary business transactions of the country and bring it into demand. We should make it legal-tender for such an amount as will give it the value to which it is entitled on the authority of the Government, and which the stamping it with a given value, in addition to the intrinsic value of the metal, entitles it to receive in the commercial transactions of the country.

This is in accordance with the fact that silver is one part of the constitutional currency of this country. It was originally intended as, and is now by law, a part of the constitutional currency of the country. It is better for the business of the country, more stable in value, less expensive in its issue than the fractional paper currency now used. I do not know how to answer the arguments that are made on both sides against the use of silver for fractional currency.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

The question was then taken on the amendment of Mr. OLIVER to the amendment of Mr. REAGAN; and it was not agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the amendment of the House to the bill of the Senate of the following title:

A bill (S. No. 644) to authorize the printing and distribution of the eulogies delivered in Congress on the announcement of the death of the late Orris S. Ferry, a Senator from the State of Connecticut.

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

A bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the country for the year ending June 30, 1877, and for other purposes.

SUBSIDIARY SILVER COIN.

The House resumed the consideration of the silver-coin bill.

The question was upon the amendment of Mr. REAGAN, to add to the bill the following:

SEC. 3. That the silver coins of the United States of the denomination of $1 shall be a legal tender at their nominal value for any amount not exceeding $50 in any one payment; and silver coins of the United States of denominations of less than $1 shall be a legal tender at their nominal value for any amount not exceeding $25 in any one payment; except for customs due to the United States, which shall be paid in gold, and except in satisfaction of contracts now existing and payable in gold.

Mr. REAGAN. I desire to say a word on this amendment before it is voted upon. When upon the floor, a few moments ago, I was proceeding to answer the argument submitted by the gentleman from Iowa [Mr. OLIVER] in favor of his amendment limiting the use of silver coin to $1 and less in any one payment. When the Speaker's hammer fell I was about calling attention to the fact that the argument of the gentleman was that silver, being so much more valuable as a currency in Canada and California, would be drawn away from other portions of the country. And then, if I understood the latter part of his argument, he said that silver was of so little value that it could not be used in place of fractional currency.

It leaves me in the same dilemma that I was left in on the first discussion of this bill, the arguments of some gentlemen being that silver was too valuable to be substituted for fractional currency, and of others that it was of too little value for that purpose. I do not know how to reconcile those arguments; I shall not undertake to reconcile them, but shall present the fact as evidence that neither proposition is correct, and that each overturns and contradicts the other.

It has been suggested to me, Mr. Speaker, that the modification which I have made in my amendment, so that silver shall not be receivable for customs dues, is not correct and may drive from the support of the amendment some gentlemen who would otherwise give it their votes. I deem it proper, therefore, to state the reasons which have induced me to make that modification.

The amendment as modified makes silver receivable in all private contracts unless expressly payable in gold, and for all Government dues except customs dues; receivable for the public lands, receivable for office fees, receivable for postage-stamps, receivable for internal revenue. Being thus receivable, it would call in silver to be distributed in payments among the people, without the embarrassments which, as I shall presently show, would result from receiving it in payment of customs dues.

I had hoped that the amendment offered by the gentleman from Illinois, [Mr. BURCHARD,] authorizing the coinage of silver in the hands of private persons on their paying for the coinage, would be adopted. If that amendment had been agreed to, so that the silver bullion in the country might be coined at the expense of the owners and given an opportunity to circulate; and if in addition my amendment as now pending should be adopted, making silver coin receivable in all contracts and for all public dues except customs dues in sums of $25 or $50, as indicated, it would utilize this coinage; it would popularize it; it would make it practically the small currency of the country; it would substitute the small silver coins for the fractional notes, saving to the country an expense which I am informed is over $1,000,000, perhaps $1,400,000 annually, and giving us a currency of permanent and intrinsic value—a constitutional currency.

But the principal reason which induced me to make the exception, providing that the silver coinage should not be receivable for customs dues, was this: If we receive silver for customs dues in amounts of $50 or $25 in any one payment, the danger is that the silver would go largely into the payment of customs dues, amounting to nearly $200,000,000 a year, and would thus be taken out of use as fractional currency.

[Here the hammer fell.]

Mr. JONES, of Kentucky. Mr. Speaker, after hearing the discussion on this bill and having given it as much deliberation as the time allowed, I have come to the conclusion that we ought to support it. It seems to be in furtherance of economy, and if it makes a step in the direction of specie payments without involving a depreciation of the industries and general business of the country, it would seem to be our duty to adopt it. I support it, sir, with all the more alacrity to show our opponents on the financial question that we who are called the greenback men and sometimes inflationists are not so wedded to a paper currency that we are not willing at any time to displace it with hard money when it can be done upon anything like equal terms and without detriment to the interests of the people. We are not so much absorbed in admiration of the much-abused "rag-baby" that we would not turn it into a "metal baby" whenever the state of our purse permitted. Indeed, sir, I have become weary of the distinctions of hard-money and soft-money men, especially among democrats. I imagine that in the abstract we are all hard-money men; and if we had to begin anew, if our Government was not overwhelmed in debt and our people not laboring under the effects of a paper currency system most unwisely inaugurated, if with a people free of debt and prosperous we had to establish a currency, we should all agree to make it in the accepted money of the world.

But a word or two on this bill. Under the operation of the act of January 14, 1875, called the resumption act, we are told that the Secretary of the Treasury has purchased silver to the amount of about $16,000,000, and that that money is now in the Treasury. We are also told, and I suppose on good authority, that the silver coins did not cost more and are not worth more than the paper currency, indeed not so much. It is said also that to keep up the amount of fractional currency to forty-five millions or about that sum from year to year by reprinting costs the Government about $2,000,000 annually; that the fractional paper currency wears out in ten or twelve months, whereas the silver will last from twenty-five to fifty years, and the coinage of the silver costs but little more than the original printing of the fractional paper. These statements being true, they prove that the Government will be saved the expense of printing or reprinting the paper currency sufficient to keep the required amount in circulation about two millions per annum as long as the paper currency should be retained. If it should be retained five years the cost would be ten millions, if ten years it would be twenty millions; all of which could be saved by the substitution of silver.

The transposition, therefore, of the paper for the silver would be a great saving for the Government, and would be a return to that extent to hard money. But some of our friends say that by doing this we should indorse, to a degree at least, the policy of the republican party. Well, sir, so far as I am concerned, that is no objection with me. I deem it our duty to support any measure for economy and the good of the country, especially upon this important subject, it matters not from what party it emanates; indeed, I am happy to see that the two parties in this House somewhat harmonize on this bill. I would not, however, give my support to the bill without the amendment of the gentleman from Indiana, which is the safety-valve of the measure. That amendment prevents the Secretary of the Treasury from issuing any more interest-bearing bonds for the purchase of coin, and operates as a practical repeal of the resumption act of January, 1875. With this amendment, and for the reasons I have given, I shall vote for the bill. Let us give a little of the old-fashioned silver currency to the people, that they may see and feel it once more and hear the clink of it in their pockets.

[Here the hammer fell.]

The question being taken on Mr. REAGAN'S amendment, there were—ayes 59, noes 71.

Mr. REAGAN. I call for tellers.

Tellers were not ordered.

So the amendment was not agreed to.

The SPEAKER *pro tempore*. The next question is upon the amendment of the gentleman from Missouri [Mr. WELLS] to the amendment of the gentleman from Indiana, [Mr. HOLMAN.] The amendment to the amendment will be read.

The Clerk read as follows:

Add the following to Mr. HOLMAN'S amendment:

Provided, That if silver bullion is not presented for coinage in sufficient quantity to meet the demand for the redemption of fractional currency the Secretary of the Treasury may, under the provisions of the act of January 14, 1875, purchase silver bullion for the purposes of coinage as provided in this act.

Mr. WELLS, of Missouri. I send to the Clerk a modification of my amendment, changing the phraseology.

The Clerk read as follows:

After the word "act" in the fourth line insert the words "entitled 'An act to provide for the resumption of specie payments,' approved."

Strike out the word "of" before the word "January" in the fourth line;

Strike out the word "this" in the sixth line and insert the word "said;"

Strike out in the second line the words "to meet the demand."

Mr. RANDALL. Those changes are merely clerical.

Mr. WELLS, of Missouri. Yes, sir.

Mr. HOLMAN. Let the amendment, as modified, be read.

Mr. OLIVER. I submit that the modification of the gentleman from Missouri presents substantially new matter, making the proposition practically a new amendment.

Mr. WELLS, of Missouri. In answer to the gentleman from Iowa——

The SPEAKER *pro tempore*. The point of the gentleman from Iowa [Mr. OLIVER] comes too late.

Mr. RANDALL. The changes are merely in the phraseology.

The SPEAKER *pro tempore*. The amendment, as modified, will be read.

The Clerk read as follows:

Add the following to Mr. HOLMAN'S amendment:

Provided, That if silver bullion is not presented for coinage in sufficient quantity for the redemption of fractional currency the Secretary of the Treasury may, under the provisions of the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, purchase silver bullion for the purposes of coinage as provided in said act.

Mr. WELLS, of Missouri. Mr. Speaker, the object of this amendment is simply to provide for an emergency which may occur. If citizens should not send in their bullion in sufficient quantities to fill the vacuum which will be caused by the return of the fractional currency, there should be provided a method by which the amount of bullion necessary for coinage may be obtained. It is well understood by the House that the object of this bill is to avoid the necessity for making further appropriations for the engraving and printing of fractional currency. The silver coin and bullion ready for coinage now in possession of the Government amount, as I am informed, to between $17,000,000 and $18,000,000, about $13,000,000 or $14,000,000 less than the amount of fractional currency which may be sent in for redemption. With the present facilities for sending in fractional currency it may be only a very few months before all such currency in circulation, or nearly all, will be returned to the Treasury. If under the provisions of the amendment of the gentleman from Indiana [Mr. HOLMAN] which I propose to amend the people should not bring in bullion in sufficient quantities, there may be a deficiency to the extent I have indicated in the silver coin necessary to fill the place of the fractional currency. The object of my amendment is to provide for a contingency of that kind. I do not think the bill should pass without this very necessary provision.

Some of my friends on the floor of this House have declared themselves opposed to this amendment on the ground that it involves an increase of the bonded debt. I wish to call the attention of the House to the fact that this fractional currency is practically an interest-bearing debt, because the expense of engraving and printing it, together with the loss and destruction which fall upon the people while using it, may fairly be estimated at about 10 per cent. of the amount issued; while, if any bonded debt should be created under this provision, the interest upon that debt will not exceed 4½ or 5 per cent. It must be borne in mind that, in addition to the enormous cost for engraving and printing the fractional currency, the people of the country are suffering to the extent of about $1,000,000 annually by the loss or destruction of this fractional currency; so that they are paying annually for the privilege of this fractional currency at least $2,400,000.

None of my friends can have a greater horror of the issue of any more bonds than I have, but I feel we would be justified in issuing eight or ten millions of bonds if it were necessary to make up in specie coinage the fractional currency now outstanding.

Mr. GLOVER. Let me ask my colleague a question.

Mr. WELLS, of Missouri. Certainly.

Mr. GLOVER. I wish to ask whether, in connection with the cost of printing, the loss of fractional currency does not equal nearly the cost of printing?

Mr. WELLS, of Missouri. Very nearly.

[Here the hammer fell.]

Mr. RANDALL. Mr. Speaker, I rise nominally to oppose the amendment of the gentleman from Missouri, but really to state the effect of that amendment. If the amendment of the gentleman from Indiana [Mr. HOLMAN] is to be adopted, then it is wise the House should add the amendment of the gentleman from Missouri [Mr. WELLS] to it; and I will tell you why. We provide in the bill that $16,000,000 of coin shall go out. The amendment of the gentleman from Indiana then comes in, if that amendment of the gentleman from Missouri [Mr. WELLS] should be adopted, that the owners of silver bullion should be allowed to deposit it and receive coin therefor, the Government obtaining seigniorage. If in case citizens do not deposit silver bullion up to the limit fixed to fractional currency by law, which is $50,000,000, then the Secretary of the Treasury, for any margin which does not reach $50,000,000, could operate under the amendment of the gentleman from Missouri.

Mr. WELLS, of Missouri. It does not go to that extent, but only to the extent of fractional currency presented for redemption. It goes to that extent and no further.

Mr. RANDALL. Its operation would be this: I will illustrate by a statement. There are $16,000,000. Suppose a citizen comes in and deposits what will coin $10,000,000 of silver. That would make in all $26,000,000. There still would be a margin, according to the gentleman's estimate, of about $4,000,000 to reach the amount necessary to cover the entire outstanding fractional currency. The Secretary of the Treasury therefore would have the right to secure silver coinage to that amount of $4,000,000.

Mr. HOLMAN. Let me ask the gentleman from Pennsylvania a question.

Mr. RANDALL. Certainly.

Mr. HOLMAN. In the event of the adoption of the amendment would not the result be as follows: The Government would be the only purchaser to any large extent of silver bullion. The United States would be the great purchaser of silver bullion. Instead of the practice in our past history, would not the holders of bullion withhold coin for the purpose of driving a better bargain with the Government? Would not that be the result?

Mr. RANDALL. That is to say, if I have so much beef on hand, I am going to allow it to spoil, so as to get a higher market. That is about it. The producers must and will come in to sell their bullion, or have it exchanged into money, so they may realize some profit from it.

Mr. KELLEY. Will my colleague permit me to ask a question?

Mr. RANDALL. Not now. The advantage of the amendment is this: We secure the volume of silver coin in substitution of fractional currency without the sale or issue of any bonds. There seems to be a fear in that regard lurking in the minds of some gentlemen that such may happen. This will obviate anything so undesirable. In case of the failure to deposit, then the Government, under the operation of the amendment of the gentleman from Missouri, will be quite safe in reaching the point to issue $4,000,000 to complete the substitution of fractional currency by silver coin.

Mr. KELLEY. Permit me to put a single question, and I do it for the purpose of information. In the event of silver coin being exported, would there be any provision for supplying the place of that which was exported other than by the issue of new bonds?

Mr. RANDALL. Those matters are all regulated by the law of supply and demand, as the gentleman very well knows.

Mr. KELLEY. If you are going to limit it to a certain amount, then if there be——

Mr. RANDALL. For various reasons which I stated the other day, in my judgment, it is desirable to limit the aggregate issue of silver coin by law. The fractional currency is limited now.

Mr. KELLEY. But it is not exportable. It is not a commercial commodity as silver is. Thirty thousand dollars of silver coin was exported on the steamer Java yesterday, and if, in the present condition of silver, it can be exported, the whole $40,000,000 may before Congress assembles again go out of the country.

Mr. RANDALL. That only goes to establish the probability of a steady silver market.

Mr. KELLEY. If you coin that $40,000,000, and that be exported, what then will be your fractional currency?

Mr. RANDALL. It is regulated by the supply and demand.

[Here the hammer fell.]

Mr. WELLS, of Missouri, demanded tellers.

Tellers were ordered; and Mr. WELLS, of Missouri, and Mr. KELLEY were appointed.

The House divided; and there were—ayes 88, noes 88.

Mr. HOLMAN. Does not that reject the amendment?

Mr. WELLS, of Missouri. How does the Chair vote?

The SPEAKER *pro tempore*, (Mr. COX in the chair.) The Chair would vote in the affirmative.

Mr. KELLEY. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 118, nays 106, not voting 65; as follows:

YEAS—Messrs. Adams, Bagby, George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Bell, Blair, Blount, Bradley, Horatio C. Burchard, Burleigh, Cannon, Caswell, Chittenden, Conger, Crapo, Crounse, Cutler, Danford, Denison, Durand, Eames, Farwell, Fort, Foster, Frost, Frye, Garfield, Hale, Robert Hamilton, Hancock, Haralson, Hardenbergh, Benjamin W. Harris, Hathorn, Hendee, Henderson, Henkle, Goldsmith W. Hewitt, Hoge, Hoskins, Hubbell, Jenks, Joyce, Kasson, Kehr, Kimball, Lapham, Leavenworth, Lewis, Luttrell, Lynch, Magoon, McCrary, Meade, Metcalfe, Miller, Monroe, Mutchler, Norton, O'Brien, Odell, O'Neill, Page, Payne, Phelps, Pierce, Piper, Plaisted, Platt, Potter, Powell, Randall, Reagan, Miles Ross, Rusk, Sampson, Schumaker, Scelye, Singleton, Sinnickson, Smalls, A. Herr Smith, Strait, Stenger, Stowell, Tarbox, Teese, Terry, Thomas, Thompson, Thornburgh, Throckmorton, Martin I. Townsend, Washington Townsend, Van Vorhes, Waldron, Alexander S. Wallace, John W. Wallace, Walls, Ward, Warren, Erastus Wells, G. Wiley Wells, Wheeler, White, Whitehouse, Whiting, Wike, Willard, Andrew Williams, Alpheus S. Williams, Charles G. Williams, James Williams, William B. Williams, James Wilson, and Alan Wood, jr.—118.

NAYS—Messrs. Anderson, Ashe, Atkins, John H. Baker, Banning, Blackburn, Boone, Bradford, Bright, John Young Brown, William R. Brown, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cason, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Cochrane, Collins, Cook, Culberson, Davis, De Bolt, Dibrell, Dobbins, Douglas, Dunnell, Durham, Eden, Egbert, Ellis, Ely, Evans, Felton, Forney, Franklin, Fuller, Gibson, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Henry R. Harris, John T. Harris, Hartzell, Haymond, Hays, Hereford, Abram S. Hewitt, Hill, Holman, Hooker, Hopkins, House, Hunter, Hunton, Hyman, Thomas L. Jones, Kelley, Franklin Landers, Lynde, McFarland, Milliken, Money, Morgan, Neal, New, Oliver, Packer, Parsons, John F. Philips, William A. Phillips, Poppleton, Rea, John Reilly, James B. Reilly, Rice, Riddle, William M. Robbins, Robinson, Savage, Scales, Sheakley, Southard, Sparks, Springer, Stevenson, Stone, Swann, Tucker, Tufts, Turney, John L. Vance, Robert B. Vance, Waddell, Gilbert C. Walker, Walling, Walsh, James D. Williams, Jeremiah N. Williams, Woodworth, and Yeates—106.

NOT VOTING—Messrs. Ainsworth, Banks, Barnum, Bass, Beebe, Blaine, Bland, Bliss, Buckner, Samuel D. Burchard, Candler, Chapin, Clymer, Cowan, Cox, Darrall, Davy, Faulkner, Freeman, Gause, Harrison, Hartridge, Hatcher, Hoar, Hurd, Hurlbut, Frank Jones, Ketchum, King, Knott, Lamar, George M. Landers, Lane, Lawrence, Levy, Lord, Edmund W. M. Mackey, L. A. Mackey, Maish, MacDougall, McDill, McMahon, Mills, Morey, Morrison, Nash, Pratt, Purman, Rainey, John Robbins, Roberts, Sobieski Ross, Sayler, Schleicher, Slemons, William E. Smith, Charles C. B. Walker, Whitthorne, Wigginton, Willis, Wilshire, Benjamin Wilson, Fernando Wood, Woodburn, and Young—65.

So the amendment of Mr. WELLS, of Missouri, was agreed to.

During the roll-call the following announcements were made:

Mr. ELLIS. I am requested to announce that Mr. LORD, of New York, is absent by leave of the House on committee business.

Mr. RANDALL. My colleague, Mr. ROBBINS, is absent. I believe if he were here he would vote "ay."

Mr. VANCE, of Ohio. I am requested to state that my colleague, Mr. HURD, is absent by leave of the House attending a committee meeting.

Mr. WALLACE, of South Carolina. I desire to state that my colleague, Mr. MACKEY, is confined to his room by sickness.

The result of the vote was then announced as above recorded.

Mr. RANDALL. I move to reconsider the vote by which the amendment of the gentleman from Missouri was agreed to; and also move that the motion to reconsider be laid upon the table.

Mr. HOLMAN. I ask for a division on that.

The House divided; and there were—ayes 127, noes 69.

So the motion to lay on the table the motion to reconsider the vote adopting the amendment was agreed to.

The SPEAKER *pro tempore*. The Clerk will now read the amendment proposed by the gentleman from Indiana as amended by the amendment of the gentleman from Missouri just adopted.

The Clerk read as follows:

Add the following as section 3:

SEC. 3. That the Secretary of the Treasury is hereby prohibited from making any further increase in the interest-bearing debt of the United States by the issue and sale of bonds for the purchase of silver bullion for coinage; but silver bullion shall, under regulations to be prescribed by the Secretary of the Treasury, be received by the several mints for fabrication into subsidiary coins, and paid for in such coins at a rate or price per ounce to be fixed from time to time, according to the market rate, by the Director of the Mint, with the approval of the Secretary of the Treasury, on the basis of the difference between the par value of such coin and the value of such bullion; and an addition not exceeding 1 per cent., in the discretion of the Secretary of the Treasury, shall be made to the purchasing price as an allowance for the transportation of the coin; and the excess of the par value of such coin over the value of the bullion so deposited, less the amount that shall be allowed for transportation as aforesaid, determined as above provided, shall be from time to time covered into the Treasury as the Secretary of the Treasury shall direct: *Provided, however*, That such silver coins of the denominations aforesaid and the silver bullion now owned by the United States shall not exceed in par value the par value of the fractional currency now authorized by law: *Provided*, That if silver bullion is not presented for coinage in sufficient quantity for the redemption of fractional currency, the Secretary of the Treasury may, under the provisions of the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, purchase silver bullion for the purposes of coinage as provided in said act.

Mr. RANDALL. I ask for a division of the question on the amendment of the gentleman from Indiana. I ask that the question shall be put separately on the first four lines of the printed amendment preceding the word "but."

Mr. HOLMAN. That is not amendable. The gentleman wishes to strike out four lines of the amendment. He has no right to make such a motion.

Mr. RANDALL. I call for a division of the question.

The SPEAKER *pro tempore*. The Chair has no difficulty in deciding that an amendment reported from the Committee of the Whole as an entire amendment is not divisible.

Mr. HOLMAN. Mr. Speaker, it is very manifest that the effect of the pending amendment as amended presents but one feature of any special importance; and that is the subject of coinage of silver bullion by the Government for private parties. It will be seen that the first clause of this amendment which I had the honor to offer prohibiting the use of bonds in the purchase of coin, is virtually evaded by the last clause, which has been added on the motion of the gentleman from Missouri. It is certainly not a very ingenious feature in legislation to adopt a section, the first and most important clause of which is defeated in a great degree by the last. But such is the effect of this amendment as it now stands amended.

Still one provision remains, and that is that private parties may have their bullion converted into coin, the seigniorage or royalty going to the benefit of the Government. I think, sir, that that will be found to be under certain circumstances and in some contingencies a valuable feature. It may gradually furnish the country with subsidiary silver coin without loss to the Government, even if it is found that silver coin will leave the country under the laws of trade.

It is not probable that much bullion will go into the mints for coinage under this provision while the Government is either in the market or can be compelled to go into the market to purchase bullion; for the Government will pay a higher price and has paid a higher price, I think, for the bullion than private parties would have realized if they had gone to the mint and had their bullion converted into coin, the seigniorage going to the Treasury of the Government. So, sir, we can scarcely anticipate that, as by the act of the House in making this amendment the Government may and must in the contingency provided for go into the market and buy bullion, this provision, which was designed to save the Treasury, will have very great effect. It is scarcely to be hoped that any material amount of bullion will go into the mints for the purpose of coinage. And yet we take by this one step perhaps in the right direction, and that is going back to the former practice of the Government, not going into the market to purchase bullion, but putting its stamp of sovereignty and money value on bullion when presented at its mints and coined. That has been the practice of the Government during the larger portion of its existence. Indeed, that has been the law in the main until the passage of the resumption act of 1875, and is the law still as to gold coin and also as to the trade-dollar. The citizen deposits his bullion in the mint and the Government puts the stamp of money value upon it and it goes into circulation, the Government in the case of silver bullion being paid the expenses of coinage and coining the gold without charge. That has been our system in the main from the foundation of the Government. But I am uncertain myself whether any important result will be gained by this provision as it now stands. I had hoped that the House would repeal at least one of the most objectionable features of this oppressive resumption act, that feature that authorizes the Secretary of the Treasury to issue and sell gold-interest-bearing bonds to buy silver bullion, under which the public debt has already been increased over ten millions. I had hoped at least that we could put an end to the policy of the Government going into the market with its interest-bearing bonds and purchasing bullion to be manufactured into coin when the same result could have been accomplished by the retirement, if that must take place, from time to time of the fractional paper currency and permitting citizens owning bullion to go in the mints and have it coined. Thus without expense to the Government the country would soon be supplied with silver coin, unless the laws of trade are against it. But, with the combination formed by the owners of the bullion to keep up the price in view of the Government becoming a purchaser, and perhaps under this law compelled to become a purchaser, it is manifest that the loss by the Government cannot be inconsiderable. And yet, if the amendment as amended be adopted by the House, it may restore the policy of the Government of coining the bullion of its citizens instead of becoming a purchaser in open market of bullion, the seigniorage of it going to the profit of the Government. My proposition was a measure of economy. I am not willing that the Government shall go on buying silver bullion and converting it into coin, adding million after million to the public debt, when no man can say whether it will remain in the country as currency or not even for a month. If it leaves the country it is a total loss to the Government and fractional paper currency would have to be issued.

Mr. JONES, of Kentucky. Before the gentleman from Indiana takes his seat, I would ask him if he does not consider the amendment of the gentleman from Missouri [Mr. WELLS] to authorize the Secretary of the Treasury to go on and issue bonds for the redemption of fractional currency, as required by the resumption act—in other words, is it not a practical enforcement of the resumption act?

Mr. HOLMAN. Of course the gentleman from Kentucky understands that if the bullion-holders withhold their bullion from coinage and we make no provision for issuing fractional paper currency the Government will be required under this section to go into the market and buy bullion, and this provision may be construed to authorize the issue of bonds for that purpose. The bullion-holders will seize their advantage. That is the fatal feature of this provision as it now stands, and those of us who are willing of at least trying the experiment of substituting subsidiary silver coins for the fractional currency, which while not so cheap in the first instance is more stable, may be inclined to support the bill with the objectionable features in it, still it is embarrassing in the last degree to be compelled in order to accomplish that purpose to have to vote for a measure which may steadily increase the interest-bearing debt of the Government. Against the increase of that debt I solemnly protest.

[Here the hammer fell.]

Mr. HEWITT, of New York. The gentleman from Indiana [Mr. HOLMAN] has very properly stated that the provision involved in the amendment of the gentleman from Missouri [Mr. WELLS] is directly in conflict with the first four lines of the provision of his amendment. At the same time, it is proper to say that, whether the amendment of the gentleman from Missouri is attached to the amendment of the gentleman from Indiana or not, the practical result of the amendment will be the same, because in the one case the Secretary of the Treasury is compelled in the event of bullion not coming in for coinage to go into the market and purchase it by the issue of interest-bearing bonds, and, in the other case, if private individuals come in and take silver subsidiary coin in exchange for bullion, the silver subsidiary coin will drive into the Treasury for redemption the fractional currency which is outstanding, according to the well-known "law of Gresham," that the inferior currency always drives out the superior.

I suppose there is no longer any question in the mind of any gentleman on this floor that during the whole of last year (as will probably be true for the time to come) silver subsidiary coin has been worth less in actual intrinsic value than the market value of the fractional currency which it is designed to replace. Therefore the fractional currency must go into the Treasury for redemption. Under the law the Secretary of the Treasury is bound to redeem it with legal-tender notes, and therefore legal-tender notes will be withdrawn from the Treasury, and they must be replaced in one of two ways: either by increasing the taxation on the people of the country or by the issue and sale of interest-bearing bonds. The result, therefore, is exactly the same, no matter whether the amendment of the gentleman from Missouri is adopted or not. It comes to this: that the people of the country are either to be taxed for replacing the fractional paper currency or 5 per cent. bonds must be issued on which they are to pay interest until the principal is paid off by taxation; no matter what happens, the people pay and suffer.

Now, Mr. Speaker, it was just this proposition to issue any more interest-bearing bonds that I entered my protest against; because it is not the fractional currency which is in discredit or irredeemable in this country; it is the legal-tender notes; and if we issue any more 5 per cent. bonds, I want to hold every one of them sacred for the purpose of procuring not silver, but gold as our only hope of resuming specie payment.

To divert the proceeds of these bonds into the purchase of silver is therefore an entire waste of the resources of this country. This amendment of the gentleman from Missouri [Mr. WELLS] is only a circumlocutory mode of enforcing the provision of the original resumption act, with this additional objection, that the Director of the Mint is compelled from day to day to fix the price of bullion according to the fluctuations of silver in the market. I have received from the Director of the Mint a note as to whether that is practicable or not, in which he says:

Mr. RANDALL. What is the date of that?

Mr. HEWITT, of New York. March 24.

Mr. RANDALL. We have conferred with the Director of the Mint since that time.

Mr. HOLMAN. The Director of the Mint is satisfied with this provision.

Mr. KELLEY. I have no doubt the Director of the Mint is satisfied with it.

Mr. HEWITT, of New York. In his reply he says:

To-morrow, or even during the day, either silver or greenbacks may fluctuate either 1 or 2 per cent. Our purchasing price would therefore have to be altered almost daily, and it would produce inextricable confusion with depositors and in mint accounts.

Therefore it is evident that this provision cannot be properly carried out by the officers of the Government.

I am opposed to the amendment therefore upon the same grounds that I oppose the bill reported by the committee, that it causes an increase in the interest-bearing debt of the United States for an unnecessary purpose; that it is a piece of extravagance, because the interest to be paid on the purchases of silver largely exceeds the cost of maintaining the fractional currency in good condition; that the silver coin, if it be worth more than currency, will be hoarded or exported; if it be worth less, it will be a fraud; that it postpones the time when we can resume specie payments by diverting into a subsidiary channel a fund which might and should be devoted to the purchase of gold, which alone can give a true resumption; and, finally, because it transfers to the democratic majority, sent here by the people to correct the blunders of the republican party, the responsibility for these blunders, and brings us into contempt, as wasting on minor questions the strength which should be husbanded for the settlement of the main question before the world, the speedy removal of the reproach which tarnishes the American name so long as any of the national obligations and pledges are not redeemed. No "jingle of silver" will answer this purpose or deceive the country as to the true meaning of specie payments.

[Here the hammer fell.]

Mr. RANDALL. We are at this time confronted with this fact: The agreement of the House was that there should be debate on these amendments, one speech of five minutes for and one of five minutes against, but somehow these gentlemen have both spoken rather against the pending amendment.

Mr. HOLMAN. I did not speak against the amendment at all.

Mr. RANDALL. I wish to say, in justice to the Director of the Mint, that on yesterday he said that this bill could be executed.

Mr. EDEN. I object to further debate.

The SPEAKER *pro tempore*. The debate upon the pending amendment is exhausted, and the question is upon the amendment of the gentleman from Indiana [Mr. HOLMAN] as amended on the motion of the gentleman from Missouri, [Mr. WELLS.]

Mr. BURCHARD, of Illinois. I desire to move an amendment to the pending amendment. This bill has now reached a stage when there is but one amendment pending, and under the rules of the House an amendment to that amendment is in order. I have examined the agreement which was made in relation to the discussion upon this bill, and I find nothing in the order of the House that would prevent an amendment being offered which would be in order under the rules. My amendment is simply to present the proposition which the gentleman from Pennsylvania [Mr. RANDALL] desired to present; that is, to obtain a separate vote upon the proposition contained in the first four lines of the printed amendment of the gentleman from Indiana, [Mr. HOLMAN.] I therefore move to amend the amendment by striking out all after the first word "that" down to and including the word "but" before "silver" in the fourth line. That will make no inconsistency between the first and the last part of this bill.

Mr. HOLMAN. Will the gentleman move to strike out the last four lines of the amendment of the gentleman from Missouri, [Mr. WELLS?] If the one is in order I think the other is.

The SPEAKER *pro tempore*. As long as the previous question is not operating on this bill an amendment can be moved. The Chair will rule that the amendment proposed by the gentleman from Illinois [Mr. BURCHARD] is in order. The Chair will not go further at this time.

Mr. RANDALL. I will then call the previous question on the bill and pending amendments.

Mr. HOLMAN. Was it not understood when this bill was brought out of the Committee of the Whole that it should be reported to the House with the pending amendments, to be acted on?

The SPEAKER *pro tempore*. The Chair has examined the RECORD and found no such understanding. The gentleman from Pennsylvania [Mr. RANDALL] gave notice that when the amendments were voted upon he would call the previous question on the bill.

Mr. HOLMAN. In that event the House has certainly been laboring under a mistake. I hope the gentleman from Texas [Mr. REAGAN] will be permitted to introduce again his original proposition without modification.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. BURCHARD] has the floor to move his amendment, after which the Chair is bound to recognize the gentleman from Pennsylvania [Mr. RANDALL] who has charge of the bill, if he desires to be recognized.

Mr. HOLMAN. The House certainly has been deceived as to the effect of the order which was made in regard to this bill.

Mr. BURCHARD, of Illinois. I move to amend the amendment of the gentleman from Indiana [Mr. HOLMAN] by striking out the words "the Secretary of the Treasury is hereby prohibited from making any further increase in the interest-bearing debt of the United States by the issue and sale of bonds for the purchase of silver bullion for coinage; but;" so that the amendment will read:

That silver bullion shall, under regulations to be prescribed by the Secretary of the Treasury, be received by the several mints for fabrication into subsidiary coins, and paid for in such coins at a rate or price per ounce to be fixed from time to time, according to the market rate, by the Director of the Mint, &c.

Mr. RANDALL. I now call the previous question on the bill and amendments.

Mr. HOLMAN. I ask unanimous consent that the gentleman from Texas, [Mr. REAGAN,] inasmuch as there has been a misapprehension as to the amendable condition of this bill, shall be permitted to offer his amendment without modification, so that we may have a vote upon the original proposition.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania [Mr. RANDALL] yield for that purpose?

Mr. RANDALL. I will.

Mr. MORRISON. I object, unless I am permitted to offer a substitute for this whole bill.

Mr. RANDALL. I will hear the substitute read.

Mr. HOLMAN, I reserve the right to object.

The SPEAKER *pro tempore*. The proposition of the gentleman from Illinois [Mr. MORRISON] will be read for information only.

The Clerk read as follows:

Be it enacted, &c., That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $163,000, to provide for engraving, printing, and other expenses of making and issuing United States notes.

SEC. 2. That the Secretary of the Treasury is hereby directed to issue silver coins of the United States of the denomination of ten, twenty, twenty-five, and fifty cents, of standard value, in redemption of an equal amount of fractional currency, whether the same be now in the Treasury awaiting redemption, or wherever it may be presented for redemption; and the Secretary of the Treasury may, under regulations of the Treasury Department, provide for such redemption and issue by substitution at the regular subtreasuries and public depositories of the United States until the whole amount of fractional currency outstanding shall be redeemed.

SEC. 3. That so much of the third section of the act entitled "An act to provide for the resumption of specie payments," approved January 14, A. D. 1875, as provides that "on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem, in coin, the United States legal-tender notes then outstanding on their presentation for redemption;" and so much of said section 3 of said act as authorized the use of any surplus revenue or the issue, sale, or disposal of any bonds to provide for such redemption, is hereby repealed. And until they are at par with and convertible into gold coin, any holders of said United States notes depositing any sum not less than $50, or some multiple of $50, with the Treasurer of the United States, or either of the Assistant Treasurers, shall receive in exchange therefor duplicate certificates of deposit, one of which may be transmitted to the Secretary of the Treasury, who shall thereupon issue to the holder an equal amount of bonds of the United States, coupon or registered, as may by said holder be desired, bearing interest at the rate of 4 per cent. per annum, payable semi-annually and redeemable at the pleasure of the United States after thirty years: *Provided*, That the bonds so to be issued or exchanged shall not exceed the sum of $1,000,000 in any month. And the United States notes so deposited and redeemed shall be retired and canceled.

SEC. 4. That to enable the Secretary of the Treasury to exchange and fund United States notes as hereinbefore provided, he is hereby authorized to issue bonds of the description authorized by the act entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, bearing interest at 4 per cent. per annum.

SEC. 5. That so much of said section 3 of said act of January 14, 1875, as provides for the increase of national-bank note circulation without limit is hereby so amended that such increase shall be so limited that the aggregate amount of outstanding legal-tender notes and of bank-notes in circulation shall at no time exceed the aggregate amount of such legal-tender and national-bank notes now outstanding. And so much of said section 3 of said act of January 14, 1875, as provides for the redemption of legal-tender United States notes in excess only of $300,000,000, to the amount of 80 per cent. of the increased national-bank note circulation authorized by said section 3 of said act, is hereby so amended as to authorize the redemption of 80 per cent. of such increased circulation, less the amount of national-bank circulation surrendered.

SEC. 6. That during the existence of any national banking association, and until the resumption of payment in specie of its circulating notes, it shall annually set aside and retain, as a resumption fund, from the coin receivable as interest on the bonds deposited with the Treasurer of the United States as security for its circulation, an amount equal to 3 per cent. of its circulating notes issued to such association and not surrendered, and which resumption fund shall be counted and used as part of the lawful money reserve which said banking associations are, by existing laws, required to maintain.

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

Mr. HOLMAN. That proposition has not been printed. I object to it.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. RANDALL] was entitled to the floor and called the previous question.

Mr. RANDALL. The gentleman from Indiana [Mr. HOLMAN] objects to this amendment. I now call the previous question upon the amendment of the gentleman from Illinois, [Mr. BURCHARD.] If that is sustained and the amendment disposed of, then I shall be content to allow the amendment of the gentleman from Texas [Mr. REAGAN] to come in, when I will call the previous question on that amendment and the bill.

Mr. MORRISON. Do I understand the gentleman to object to my offering this substitute?

Mr. HOLMAN. I have objected. Why, it is not even printed.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. RANDALL] is entitled to the floor, and has called the previous question.

Mr. RANDALL. On the amendment of the gentleman from Illinois, [Mr. BURCHARD.]

The SPEAKER *pro tempore*. So the Chair understands. The

amendment of the other gentleman from Illinois [Mr. MORRISON] is not before the House.

Mr. BRIGHT. I hope the gentleman from Pennsylvania will allow me to have read what I propose as an amendment to the substitute.

Mr. RANDALL. Certainly.

Several members objected.

The SPEAKER *pro tempore*. The Clerk will read the amendment of the gentleman from Illinois, [Mr. BURCHARD.]

The Clerk read as follows:

Strike out in the first four lines of the amendment of Mr. HOLMAN the following: The Secretary of the Treasury is hereby prohibited from making any further increase in the interest-bearing debt of the United States by the issue and sale of bonds for the purchase of silver bullion for coinage; but

The previous question was seconded and the main question ordered, which was upon the amendment of Mr. BURCHARD, of Illinois, to the amendment of Mr. HOLMAN.

The amendment to the amendment was not agreed to, there being—ayes 54, noes 115.

Mr. REAGAN. I now offer (to come in as the fourth section of the bill) my amendment without modification, as found on page 4 of the print.

Mr. RANDALL. I yield to the gentleman from Texas [Mr. REAGAN] to offer that amendment, after which I demand the previous question on the amendment and bill.

Mr. MORRISON. I object to any other amendment, unless I am permitted to offer mine.

Mr. REAGAN. I have offered my amendment by leave of the gentleman from Pennsylvania.

The SPEAKER *pro tempore*. The Chair has already decided that, until the previous question is sustained, amendments are in order. The gentleman from Pennsylvania is on the floor.

Mr. RANDALL. I demand the previous question.

Mr. MORRISON. Will the Chair please tell me how my amendment was ruled out?

The SPEAKER *pro tempore*. It was never in; it was read for information only.

Mr. MORRISON. But I offered it.

Mr. HOLMAN. It was not germane, and was subject to the point of order that it made an appropriation of money.

Mr. MORRISON. But I offered it previous to the gentleman from Texas offering his amendment.

Mr. HOLMAN. It was subject to a point of order anyhow.

The SPEAKER *pro tempore*. The Chair will settle this matter. The proposition of the gentleman from Illinois [Mr. MORRISON] was read by the courtesy of the gentleman from Pennsylvania, who then moved the previous question on the amendment of the gentleman from Illinois, [Mr. BURCHARD,] as he had the right to do. The gentleman from Pennsylvania, having the floor, now yields to the gentleman from Texas.

Mr. MORRISON. To offer an amendment after the previous question is ordered?

The SPEAKER *pro tempore*. The previous question applied only to the amendment of the gentleman from Illinois, [Mr. BURCHARD.]

Mr. OLIVER. I rise to a point of order. It is that the gentleman from Pennsylvania cannot limit the operation of the previous question to the amendment of the gentleman from Illinois.

The SPEAKER *pro tempore*. The Chair overrules the point of order. The gentleman from Texas offers the amendment which will be read.

The Clerk read as follows:

Insert as section 4 the following:
That the silver coins of the United States of the denomination of $1 shall be a legal tender at their nominal value for any amount not exceeding $50 in any one payment. And silver coins of the United States of denominations of less than $1 shall be a legal tender at their nominal value for any amount not exceeding $25 in any one payment.

Mr. GARFIELD. I believe this amendment has been voted on already and voted down. I make that point of order.

The SPEAKER *pro tempore*. The Chair cannot undertake to say from a cursory reading of the amendment whether it has been voted on before or not.

Mr. FORT. The record will show that it has been.

The SPEAKER *pro tempore*. The gentleman from Texas will please state whether this is the same amendment that was voted on.

Mr. REAGAN. It is not the same. The amendment which was voted on had two clauses which this has not: one that silver should not be receivable for customs dues and the other that it should not be received in satisfaction of existing contracts payable in gold.

Mr. GARFIELD. This is the same as the printed amendment.

The SPEAKER *pro tempore*. The Chair overrules the point of order. The gentleman from Pennsylvania calls the previous question on the bill and pending amendment.

The previous question was seconded and the main question ordered.

The question recurred on Mr. REAGAN'S amendment.

The House divided; and there were—ayes 135, noes 71.

Mr. KELLEY demanded the yeas and nays.

The SPEAKER *pro tempore* decided that by the count the yeas and nays were not ordered.

Mr. GARFIELD demanded tellers on the yeas and nays.

Tellers were ordered; and Mr. GARFIELD and Mr. REAGAN were appointed.

The House again divided; and the tellers reported 42, more than one-fifth of those present.

So the yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 124, nays 94, not voting 71; as follows:

YEAS—Messrs. Anderson, Ashe, Atkins, Bagby, John H. Baker, William H. Baker, Banks, Banning, Bell, Blackburn, Blair, Boone, Bradford, Bradley, Bright, John Young Brown, William R. Brown, Horatio C. Burchard, John H. Caldwell, William P. Caldwell, Campbell, Cason, Caswell, Cate, Caulfield, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Conger, Culberson, Davis, De Bolt, Dibrell, Douglas, Durham, Eden, Egbert, Ellis, Evans, Felton, Forney, Fuller, Gibson, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Robert Hamilton, Henry R. Harris, John T. Harris, Harrison, Hartzell, Haymond, Henkle, Goldsmith W. Hewitt, Holman, Hooker, Hopkins, House, Hunter, Hyman, Jenks, Thomas L. Jones, Leavenworth, Levy, Lewis, Maish, McFarland, McMahon, Meade, Metcalfe, Money, Morgan, Mutchler, Neal, New, Odell, Parsons, Phelps, John F. Philips, Poppleton, Powell, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, William M. Robbins, Robinson, Miles Ross, Savage, Sayler, Scales, Sheakley, Singleton, Sparks, Springer, Stenger, Stevenson, Stone, Teese, Throckmorton, Tufts, Turney, Van Vorhes, John L. Vance, Robert B. Vance, Waddell, Waldron, Walling, Walsh, G. Wiley Wells, White, Whiting, Wike, Alpheus S. Williams, James D. Williams, Jeremiah N. Williams, William B. Williams, Woodworth, and Yeates—124.

NAYS—Messrs. Adams, George A. Bagley, Ballou, Blount, Burleigh, Cabell, Cannon, Chittenden, John B. Clarke of Kentucky, Cook, Crapo, Crounse, Cutler, Danford, Denison, Dobbins, Dunnell, Eames, Ely, Farwell, Fort, Foster, Franklin, Frye, Garfield, Hale, Hardenbergh, Benjamin W. Harris, Hathorn, Hendee, Henderson, Abram S. Hewitt, Hill, Hoge, Hoskins, Hubbell, Hunton, Joyce, Kasson, Kehr, Kelley, Kimball, Lapham, Luttrell, Lynch, Magoon, McCrary, Miller, Milliken, Monroe, Morey, Morrison, Nash, Norton, Oliver, O'Neill, Packer, Page, Payne, William A. Phillips, Pierce, Piper, Plaisted, Platt, Potter, Pratt, Randall, Sampson, Seelye, Sinnickson, Slemons, Smalls, A. Herr Smith, Strait, Stowell, Tarbox, Terry, Thompson, Thornburgh, Washington Townsend, Tucker, Alexander S. Wallace, John W. Wallace, Ward, Warren, Erastus Wells, Wheeler, Whitehouse, Willard, Andrew Williams, Charles G. Williams, James Williams, James Wilson, and Alan Wood, jr.—94.

NOT VOTING—Messrs. Ainsworth, John H. Bagley, jr., Barnum, Bass, Beebe, Blaine, Bland, Bliss, Buckner, Samuel D. Burchard, Candler, Chapin, Cowan, Cox, Darrell, Davy, Durand, Faulkner, Freeman, Frost, Gause, Hancock, Haralson, Hartridge, Hatcher, Hays, Hereford, Hoar, Hurd, Hurlbut, Frank Jones, Ketchum, King, Knott, Lamar, Franklin Landers, George M. Landers, Lane, Lawrence, Lord, Lynde, Edmund W. M. Mackey, L. A. Mackey, MacDougall, McDill, Mills, O'Brien, Purman, Rainey, John Robbins, Roberts, Sobieski Ross, Rusk, Schleicher, Schumaker, William E. Smith, Southard, Swann, Thomas, Martin I. Townsend, Charles C. B. Walker, Gilbert C. Walker, Walls, Whitthorne, Wigginton, Willis, Wilshire, Benjamin Wilson, Fernando Wood, Woodburn, and Young—71.

So the amendment was agreed to.

During the vote,

Mr. VANCE, of Ohio, stated that his colleague, Mr. HURD, was absent from the Hall in attendance on the Committee on the Judiciary by leave of the House.

The vote was then announced as above recorded.

The SPEAKER. The hour has now arrived for taking a recess.

Mr. WHITE. What will be the business in order this evening?

The SPEAKER. Under the order made on Monday last under a suspension of the rules the session this evening will be for the consideration of the legislative, executive, and judicial appropriation bill. The gentleman from New York [Mr. COX] will occupy the chair.

The House then, at four and a half o'clock p. m., took a recess until seven and a half o'clock p. m.

EVENING SESSION.

The House re-assembled at half past seven o'clock p. m., and was called to order by Mr. SPRINGER, as Speaker *pro tempore*.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WALKER, of New York, indefinitely on account of sickness; to Mr. BEEBE until Wednesday next on account of sickness; to Mr. SOUTHARD for one week on account of important business; to Mr. THOMAS two days on account of business; and to Mr. HAMILTON, of New Jersey, for one week from to-morrow.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole on the legislative appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. COX in the chair,) and resumed the consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The CHAIRMAN. The pending question is on the amendment of the gentleman from Minnesota [Mr. DUNNELL] to strike out in line 52, page 3, the words "during the session;" so that it will read: "Twenty-three messengers at $125 per month each."

Mr. O'NEILL. Before taking the question on this amendment, I think we had better wait until there is a quorum present. It is an important point in the bill. If necessary, I shall ask for a division.

Mr. RANDALL. The Senate committee have agreed to this part of the bill.

Mr. O'NEILL. The committee will bear in mind that the object of the amendment is to strike out the words "during the session," so these messengers will not be brought here for three months only and then discharged without pay during the recess.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. O'NEILL. I do not wish to debate it. The gentleman from Minnesota is not present, nor is there a quorum present, and I only ask the question may not be put at this time.

Mr. WELLS, of Missouri. For the purpose of giving opportunity for further explanation, I will move to strike out the last word. Some of the messengers are only paid during the session, while others are paid during the year. We have thirty-seven messengers in the House of Representatives, and the provision in this bill applies as well to messengers of the House as to the messengers of the Senate. Of the thirty-seven messengers of the House of Representatives, twelve are paid by the session and twenty-five by the year.

Mr. BURCHARD, of Illinois. You speak of the law as it exists now?

Mr. WELLS, of Missouri. Yes, sir. Now there is no reason why some of these men should be paid the year through while others are paid only during a part of it. As I remarked last evening, the clerks of committees of this House, with three or four exceptions, are simply hired by the session, and when the session is over their pay comes to an end. This bill provides, as we are appropriating only for the short session, the three months' session, that these gentlemen shall receive pay for four months, being one month over the time their services are required.

I have here some figures showing the saving to the Government by the amendment proposed by the committee. It will be borne in mind that from the 1st of July next to the 1st of December, 1877, when the new Congress will be organized, there will be a period of seventeen months. The pay of messengers of the Senate during that time would be $106,760, under the present system of paying them the year through, or $77,760 per annum. The bill proposes to pay these messengers for four months for the short session, and the amount will be $27,500; thus making a saving of $50,260 for the year, or for the Forty-fourth Congress of $79,260.

Now, Mr. Chairman, this reduction does not in any way or form impair the efficiency of the service of this House. There is no reason that I believe any man can give why these gentlemen should be paid by the year any more than the pages who are daily waiting on you.

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

Mr. WELLS, of Missouri. Yes, sir.

Mr. PAGE. I wish to ask the gentleman from Missouri if these messengers are not all employed in the document and folding rooms during the recess of Congress?

Mr. WELLS, of Missouri. Not one of them is required there.

Mr. PAGE. Have they not been so employed heretofore?

Mr. WELLS, of Missouri. No, sir. A few of them may have been, but not the messengers who are employed at the doors.

Mr. PAGE. I was informed to the contrary.

Mr. WELLS, of Missouri. The bill provides for a re-organization of the folding-room, which will work quite a radical change in the mode of folding documents and books.

Mr. PAGE. I wish to ask the gentleman if there is not more work in the folding-room during the recess, after Congress adjourns, than there is while Congress is in session?

Mr. WELLS, of Missouri. I think not. During the recess there are no speeches and no CONGRESSIONAL RECORDS to fold, and there are many other duties which have to be performed during the session which have not to be performed during the recess. But I think as regards the consideration of this bill that it is immaterial whether they have more duties to perform there during the recess or not, because the bill provides a radical change in the organization of the folding-room.

[Here the hammer fell.]

Mr. DUNNELL. I perhaps said last night all I desired to say, and I do not know that I can add anything to what I then stated. I am clear in my conviction that there ought to be a better compensation provided for these messengers than is provided in the bill. I yield the balance of my time to the gentleman from Iowa, [Mr. PRATT.]

Mr. PRATT. I hope the amendment of the gentleman from Minnesota [Mr. DUNNELL] will prevail. It seems to me that this provision in the bill for the compensation of these messengers is very ill-timed. There are many of the employés of the Senate, I am assured, who now receive a yearly salary who will fall within this classification of messengers, receiving under this bill but $125 per month during the session. This provision therefore affects those employés very materially; and my own opinion is that the effect will be to drive them out of the service of the Senate. Certainly no gentleman will suppose that men can come to the capital from a distant State to give services here for $125 a month during the session.

Mr. WELLS, of Missouri. Do not the clerks of committees serve at $4 a day during the session now?

Mr. PRATT. Doubtless some of them do. But the gentleman very well knows that as regards the clerks very many of them have other employments. Very many come here and serve as clerks of committees who would not come but for the fact that they receive other compensation in other branches of service, as newspaper correspondents and the like.

The gentleman from Missouri remarked that we are only appropriating in this bill for the short session of three months. Very well. Suppose a gentleman from my own State comes here to take one of these positions. It will cost him $125 to come here and return to his home. There is one month's salary gone. It will cost him another month's salary to live while he is here. And he will go home with one month's salary in his pocket, if he is extremely economical and gets along at the lowest possible figure. Now I submit that gentlemen from distant States who are competent, who are reliable, who are men of character and capacity, and fit to be in the service either of the House or Senate, will not come here, and cannot afford to come here at this compensation. It seems to me that they should be accorded a yearly salary, one that will enable them to save money out of their salaries. Otherwise these positions will be filled from the army of office-seekers and hangers-on about the capital, whom members would like to know less of than they are obliged to do. And I think it ill becomes the dignity of the service, either of the Senate or of the House, to so compensate these employés that they should be obliged to be taken from the city of Washington and the District of Columbia, and that a system of compensation should be established which virtually prevents and prohibits men from distant States coming here and entering into the public service. For these reasons, Mr. Chairman, I hope that this amendment will be adopted.

Mr. WELLS, of Missouri. I withdraw the formal amendment I offered.

Mr. HALE. I renew it. This list of Senate employés and their pay were fixed upon conference with the members of the Senate Committee on Appropriations. I do not mean to say that that committee of the Senate agreed in terms to all the reductions, in numbers especially, that have been put into this bill, but, generally speaking, the members of the Senate committee agreed that if a scale of reduction of the employés of the House was gone into they would submit to what the House submitted to for its employés. And the Committee on Appropriations of the House in presenting this bill have endeavored to put the two Houses on the same footing.

Now, as to this appropriation bill, I for one, as a member of the committee and as a member of the minority of the House, want to say that there are many good features in it, and in those features I for one expect to contribute to its passage as far as I am able.

I believe that the salaries of the employés of the two Houses belong to a class that may be fittingly reduced, as compared with the salaries in other branches of the service of the Government. The salaries here have been constantly on the increase in the two Houses. It has been natural that these gentlemen who hold office about here, in the Clerk's office, in the office of the Sergeant-at-Arms, under the Doorkeeper, and everywhere, being directly under our observation, being pleasant gentlemen, as they have been in the past, and as, I am glad to say, so far as I know, they are in the present, have appealed to our sympathies; and from time to time we have put their pay up, so that it bears no relation to the past to what the employés in the different Departments of the Government do. A messenger at one of these doors here receives $1,500 or $1,800 a year. He must be here; he is useful; he should be a gentleman, and he should be quick and accurate; but after all, when you take the service he performs during the twelve months into consideration, it is in no degree as onerous as the work performed by a clerk in other departments of the Government, who works from January to December inclusive, with but thirty days' vacation; and it is a long and weary round of service in other departments that promotes a man so that he obtains $1,600 or $1,800 a year.

While I do not believe—and I say it now, and notify my friend, the chairman of the Committee on Appropriations—in cutting down the salaries of the clerks in the Departments, (for I believe they perform their work and earn their money,) I believe that in both of these Houses of Congress, the Senate and the House, representing both political parties, there is an opportunity of reducing, in the interest of fair, economical administration of the Government, the salaries of their employés, and for that reason I believe the Committee on Appropriations should be sustained in most of the propositions appertaining to the Senate and the House. There are certain things in the bill which, when we reach them, will be corrected, and certain things which the Committee on Appropriations itself will seek to correct; but, generally speaking, I do not think we can put ourselves with good grace against the reductions recommended by the committee.

Mr. O'BRIEN. I desire to ask the gentleman from Maine [Mr. HALE] a question, and it is whether he does not consider the reduction as applied to the employés of the House and Senate rather more than that applied to the departmental clerks and employés of the Government? I will give an instance where our messenger now receives from $1,400 to $1,600 a year; under this bill he would receive only $500 a year, that is, four months' salary at $125 a month. I think that cuts down his salary about 75 per cent., and I ask if that is anything like the same ratio that is applied in this bill to any others of the employés of the Government?

Mr. HALE. For the work he does and the time he is employed the reduction is not greater than elsewhere.

Mr. RANDALL. I ask the attention of the House to one or two facts in connection with this bill that seems to have escaped the attention of members. This bill proposes to commence payment on the 1st of July next. Now the fact is, that we have kept up the number and salaries of the employés of this House up to the 1st of July at the same rate as now, which everybody admits to be too high, and there is great force in what the gentleman from Maine [Mr. HALE] has just stated, that the past salaries of the clerks here bear a very unjust relation when compared to the compensation of the clerks in the Departments. For instance, take the case of a clerk in the Department of Mr. New, the Treasurer of the United States, an officer who handles millions of dollars a year and who receives a much less

salary than the salary of the ordinary clerks of this House. We found that to be the case and we endeavored to make an equitable relation all around.

Let us examine a little further. We propose at this fixed rate to pay full salaries for seventeen months' service, that is to say, from the 1st day of July until December, or near there, when the employés are not here at all. Then we pay them for their actual service, running at the same rate, for the three months of the next session and one additional month, and then we absolutely pay them nine months further, until next December, when they are not here.

Mr. SPRINGER. By the present law?

Mr. RANDALL. No; by this law. Therefore we practically in fixing these salaries have fixed them at a rate per annum; and yet in seventeen months from July next they will have to perform but four months' service. Now, will anybody say that we have treated these clerks unjustly when, as stated by the gentleman from Maine, [Mr HALE,] the fact is that the clerks in the Departments work eleven months out of every year?

Mr. O'BRIEN. Does the gentleman mean by "clerks" those employed by us here?

Mr. RANDALL. I mean the clerks to whom no monthly compensation is paid; those paid a yearly salary.

Mr. O'BRIEN. I believe the clerks at the desk here are not paid by the month.

Mr. RANDALL. Of course I refer to the clerks paid a yearly salary. We have been equitable and just, and endeavored to make the salary of these clerks compare with the salaries of the clerks in other Departments of the Government. We could do no more, and we could do no less. We have endeavored to act fairly with them all around.

[Here the hammer fell.]

Mr. HALE. I withdraw my formal amendment.

The question was then taken on the amendment of Mr. DUNNELL; and it was not agreed to.

The Clerk resumed the reading of the bill, and read the following:

For hire of horses and mail-wagons for carrying the mails, $2,000; and the Sergeant-at-Arms of the Senate is hereby directed to advertise in one of the daily papers in Washington, District of Columbia, for one week for proposals for furnishing horses and wagons for carrying the mails, books, and other documents between the city post-office and the Departments and the Senate post-office and document-room; said proposals to include for the carrying of said mails, books, and documents the use of not more than three horses and wagons during the session of Congress, one of which shall be in use during the year; and he shall contract with the lowest responsible bidder for such service for the term of one year.

Mr. RANDALL. By direction of the Committee on Appropriations, I desire to move an amendment to the phraseology of the paragraph just read, not changing the amount of money appropriated but changing the phraseology, so as to make it read more nearly as we intended. My amendment is to make that portion of the paragraph read:

For carrying the mails, books, boxes, and other documents between the city post-office and the Departments and residences of members and the Senate post-office and folding-room and document-room; said proposals to include, for the carrying of said mails, books, boxes, and documents, the use of three horses and wagons during the session of Congress, one of which shall be in use during the year.

This modification is to provide for the taking of the mails to the residences of Senators.

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read the following:

For expenses of compiling and preparing the Congressional Directory, to be expended under the direction of the Joint Committee on Public Printing, $1,200.

Mr. RANDALL. By direction of the Committee on Appropriations I move to amend by inserting, after the paragraph just read, the following as an additional paragraph:

For cartage, $700.

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read the following:

Capitol police:

For one superintendent, $1,600; two assistant superintendents, at $1,200 each; twenty-one privates, at $1,000 each; and four watchmen, at $900 each; in all $28,600, one-half to be paid into the contingent fund of the Senate and the other half to be paid into the contingent fund of the House of Representatives.

Mr. DUNNELL. I move to amend the clause relating to the pay of the privates by striking out "$1,000" and inserting "$1,200." I desire to call the attention of this committee to the very large reduction that is made by this bill in the pay of the privates in the Capitol police force. Last year, and up to the present time, the pay of those privates has been $1,400 a year. By this bill it is proposed to reduce their pay to $1,000 a year each. With all due respect to the Committee on Appropriations, I insist that this reduction is altogether out of character. It is too large a reduction.

As members very well know, many of these police, most of them, are men of families; all of them come from different and distant parts of the country; most of them are soldiers who have been in the service. Now, to cut their pay down from $1,400 to $1,000 is altogether a greater reduction than is made almost anywhere else in this entire bill. We cut down our own pay 10 per cent., and we propose to cut down the pay of these policemen nearly 40 per cent. Many of these men will find themselves utterly unable to remain here upon that pay. They are to be here all the year; most of them have families, and they must pay house-rent; they are educating their children, sending them to the public schools, and they have some character at home and desire to preserve some character here.

I do not propose to occupy a great deal of time while this bill is being considered, as I am not wont to do. But when I discover a provision of this kind I cannot let it pass without moving an amendment to it. To cut down the pay of these privates at one swoop from $1,400 to $1,000, nearly every one of whom has been a soldier and has a family to support and children to educate, I respectfully submit is altogether too large a reduction. I hope the chairman of the Committee on Appropriations and this Committee of the Whole will yield to a sense of justice and consent to my amendment.

Mr. FRYE. Will the gentleman yield for a question?

Mr. DUNNELL. Certainly.

Mr. FRYE. The gentleman says that this cut-down is very large. Does the gentleman honestly believe that $1,000 a year for a policeman is not ample pay for his services? Does he not know that in all of our cities you cannot find a night watchman who receives over $800 or $900 a year? Why, then, should a policeman here in this Capitol building, standing below here on a marble floor, receive more than our cities pay their policemen? I do not mean that the pay has not been cut down largely; it has been. The only question I ask of the gentleman is, does he honestly believe that $1,000 a year will not pay a policeman, and that for that amount we cannot hire just as many as can stand between here and Washington monument?

Mr. DUNNELL. In reply to the gentleman from Maine [Mr. FRYE] I will admit that a large number of men might be found to come here as policemen for $1,000 a year. So there are men who will take our places for $1,000 a year. That is no argument at all. The policemen in this city are paid $1,800 a year.

Mr. FRYE. Then they get $800 too much, and it is an outrage on the tax-payers.

Mr. DUNNELL. Well, I insist that this is below the average compensation of policemen throughout the country. I do not know how it may be in the diminutive city in which the gentleman from Maine resides; but in the larger cities of the country, where police service is called for all the time, $1,000 a year is not a sufficient compensation.

One word more and I shall take my seat. Every man upon this police, with hardly an exception, has a wife and children. Now a reasonably suitable house cannot be rented for less than $25 a month.

Mr. FRYE. How does the gentleman know that they have wives?

Mr. DUNNELL. They ought to have; I presume they have. I know very many of these men; and they are worthy of a better compensation than that proposed in this bill. Eighty dollars a month is a compensation altogether too small. I will admit that men might be found to take their places at less pay; but that is not the question. When we employ men, let us pay them properly.

[Here the hammer fell.]

Mr. RANDALL. The gentleman from Minnesota [Mr. DUNNELL] has asked why we made this change. I will say that this Capitol police is somewhat of an ornament. By comparison with the watchmen in this same paragraph, whose pay is fixed at $900, $1,400 is altogether too high compensation for these policemen. The men on this Capitol police are never exposed to the inclemency of the weather, as are the watchmen, who according to this bill are to receive but $900. The latter officers, according to my judgment, are entitled to more pay than the Capitol police who walk around inside this building.

Anybody who has been accustomed to be here (as I have during this session) very often at night must know that the position of these Capitol police is a very comfortable place. These men occupy their time generally in reading or in sauntering about. In point of exposure of health or hazard of life their duty bears no comparison with that of the ordinary police in our cities. So far as I can learn the pay of the latter, who buffet storms and encounter ruffians in all the cities of this Union, is not above $1,000 a year. We thought, therefore, that here was a proper place to equalize the pay.

Mr. FOSTER. If the gentleman from Minnesota [Mr. DUNNELL] will withdraw his motion, I will offer a substitute for the whole paragraph.

Mr. DUNNELL. I withdraw my amendment.

Mr. FOSTER. I offer the following as a substitute for the paragraph:

Capitol police:

For one captain, $1,800; three lieutenants at $1,400 each; twenty-one privates at $1,200 each; and eight watchmen at $1,000 each; in all, $39,200; one-half to be paid into the contingent fund of the Senate, and the other half to be paid into the contingent fund of the House.

Mr. Chairman, in connection with another member of the Committee on Appropriations I gave this subject some attention. I find that the present force is thirty-one, composed of one captain, three lieutenants, and twenty-seven privates. The force provided for by the bill as reported is twenty-four. The force proposed by this amendment is twenty-five, the difference being simply one lieutenant. The amendment retains the organization just as it is now, and reduces the privates by six. It increases the watchmen from four to eight. I believe that this is a proper force of Capitol police and watchmen. I think it is as little as we can comfortably do with.

As to the pay, the captain heretofore has received $2,000. The bill reduces that to $1,600—a reduction of 20 per cent. The amendment proposes to fix the pay at $1,800—a reduction of 10 per cent. By the bill the lieutenants are reduced from $1,600 to $1,200. The amendment proposes that they shall be paid $1,400. The privates are now

paid $1,400. The bill provides that their pay shall be $1,000; the amendment $1,200—a reduction of $200.

Mr. RANDALL. Does not the gentleman think that the superintendent of police, receiving $1,600, is as fairly compensated as a third-class clerk in one of the Departments?

Mr. FOSTER. I do; still I think he is just as valuable as an assistant messenger under the Doorkeeper of this House or some others of the employés of the House.

As has been said, these gentlemen have all been Union soldiers. They have the care of millions of dollars' worth of property. We make a very large reduction in their pay—too large, I believe—larger than in the compensation of our messengers. We give the latter $1,400 a year. Certainly a private in the police force is worth as much pay as a messenger in this House. The public property in this Capitol is under the charge of these policemen; the grounds adjacent are under their care. I believe that the reduction proposed by my amendment is about fair, measured by the reduction proposed in other forces about this House.

Mr. FORT. The gentleman from Ohio, [Mr. FOSTER,] a member of the Committee on Appropriations, has stated to the House, as one reason why these officers should have the pay proposed in his amendment, that they have been Union soldiers. That, to my mind, is a good recommendation. If I know myself I will never be found detracting anything from that to which they are entitled. But it ought to be remembered by that same gentleman there are a good many hundred thousand Union soldiers who are not employed as Capitol police, and who cannot be employed as Capitol police, but who are just as worthy as those who are so employed, and who to-day are laboring as the great mass of the people of the country are laboring, and find it hard to obtain a living and support for themselves and families. We cannot adopt the principle, no matter how much we may care for the soldier, to employ him because he is a soldier and to pay him more than his services are worth, all other things considered. That principle is not applied in any of the Departments when we come to employ a clerk. It is a principle, as I understand, nowhere applied to any employés. While it is a good reason for retaining those now in office and for treating them with favor, it is no reason why they should be paid more than their services are worth.

I think with the chairman of the Committee on Appropriations that it is not just to pay these men more than their services are worth, although, as I have said, I am willing to retain those who occupy the positions at present. For, sir, there are many upon this floor who have seen the day they would be willing to work not only for this pay but for half of it. The country to-day is full of people who are laboring to support their families and who bear the burden necessary to raise the revenue for the support of the Government who would be willing to do this service at one-half the sum now paid.

It is said these men have responsible duties to perform. I cannot see they have any special responsibility. To be sure it is stated they have a vast amount of property under their charge. They watch this Capitol, but we all know it is composed mostly of incombustible material. It can neither be burned down nor stolen, and I do not see any duty they can perform unless it be to preserve the peace and good order in and about this Capitol. For that purpose I suppose a few policemen are necessary, but, in my judgment, it is not such a responsible place as that of policemen outside of the Capitol, who, as the gentleman from Pennsylvania [Mr. RANDALL] has well said, hazard life and limb in preserving the peace against desperadoes of the streets and who are exposed to the inclemency of the weather. I believe the amendment ought not to be agreed to.

Mr. FOSTER's amendment was rejected.

Mr. GARFIELD. I move an amendment, to strike out the word "superintendent" in line 116, and in line 117 the words "two assistant superintendents," and in lieu thereof to insert the words "captain and lieutenant."

I do this, Mr. Chairman, for the reason that they have been known for many years in the law by that name. If we change the title, I think it will have the effect to legislate out of office the persons who hold these positions. I am certain the chairman would not desire to do any such thing. I think it better therefore to retain the old designation. I hope the gentleman will consent to this amendment, for I am sure he would not indirectly attempt to legislate out of office the persons who now hold them.

Mr. RANDALL. Major Richards is called superintendent of the police.

Mr. GARFIELD. These have always been known as captain and lieutenant of the police. For many years it has been their designation. They were appointed by that name, and by that name they have held the office for many years; and I think, if we pass the bill as it is, it will have the effect of abolishing the present officers.

Mr. RANDALL. We wish to give them civil rank.

Mr. GARFIELD. Is it the gentleman's purpose to legislate them out of office?

Mr. RANDALL. By no means.

Mr. GARFIELD. You do it by this language.

Mr. HALE. I hope the chairman of the committee will accept the suggestion of the gentleman from Ohio. The main features of the bill are being sustained by the House.

Mr. GARFIELD. My amendment does not affect the salary or the number.

Mr. RANDALL. I do not object to it.

Mr. GARFIELD's amendment was agreed to.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES.

For compensation of members of the House of Representatives and Delegates from Territories, $1,359,000; and from and after the 30th of June next the compensation of said members and Delegates shall be $4,500 per annum.

Mr. CHITTENDEN. I beg leave to offer an amendment to come in at the end of that paragraph.

The Clerk read as follows:

Provided, That no member of either House of Congress elected to fill a vacancy shall hereafter be paid for any time prior to the day of his election.

Mr. CHITTENDEN. Mr. Chairman, that amendment is in precise terms with the one I had the honor to offer last night, and which was adopted by a vote of 115 to 30. Unfortunately, and unconsciously to most of the gentlemen who voted for it, the amendment was lost with the proposition of the gentleman from Ohio to abolish mileage altogether.

I propose now, sir, to see if this amendment will stand upon its merits or whether it shall be killed by a square blow. I have no personal interest in it whatever. I made no reflections last night and I make none to-night upon those gentlemen who in the past have received pay under the law as it stands; but I know there are several members of this Congress who have refused to receive it.

And I think, Mr. Chairman, that a law of so doubtful ethics is a fair subject of consideration in these times, when every clerk and every messenger and every policeman is subject to reduction of his pay.

Now, sir, I say in all kindness and without any intention of disrespect that the gentleman from Pennsylvania, [Mr. KELLEY,] in shouting "meanness," does not answer my proposition. Neither does his elegant alphabetical combination, which is not, in my dictionary nor in any other dictionary within my reach, and the meaning of which I do not pretend to understand—neither is his "bah" any answer to the question whether a member of Congress shall receive pay for six months before his election.

Mr. KELLEY. Will the gentleman allow me to say that I never objected to his proposition. Indeed, I hardly knew that he had made one.

Mr. CHITTENDEN. I am very glad to know that. I read the gentleman's remarks this morning, and I listened to them last evening without the least feeling. But there were several indications in his manner and several in his looks, and there are several in the types, that seemed to me to indicate that he meant me. [Laughter.] But I will say here as to the gentleman's remarks, that I took them, as I take a good deal that he says about the non-exportable currency, as of no account whatever. [Laughter.]

Now, Mr. Chairman, I mean to be serious.

Mr. KELLEY. I hope the gentleman will allow me to ask his pardon for having said anything he could have supposed to have applied to him.

Mr. CHITTENDEN. It is not necessary. It is all right.

Mr. Chairman, the amendment explains itself, and I shall not detain the House another moment in dicussing it. I have no interest in it which is not common to every member of the House. But I believe that the people require us to look out for some of the errors and looseness that have crept into the legislation of Congress in respect to the pay of its own members during the last fifteen years of demoralization.

Mr. RANDALL. Last night the committee by a very decided vote determined to incorporate with the paragraph relating to Senators' pay what is now moved by the gentleman from New York. I believe the language is exactly the same. Is it not?

Mr. CHITTENDEN. Precisely the same.

Mr. RANDALL. I have no objection to it here so far as I am concerned. But it would be a repetition, it seems to me, to have it twice incorporated in the bill.

Mr. FOSTER. The chairman of the committee will understand that the amendment of the gentleman from New York [Mr. CHITTENDEN] last evening was an amendment to the amendment which I offered, and it fell with mine.

Mr. RANDALL. I am obliged to the gentleman for that explanation.

Mr. CHITTENDEN. It was lost with the amendment of the gentleman from Ohio, and is not in the bill.

Mr. RANDALL. The committee decided by a very large vote last night to incorporate that amendment in the amendment of the gentleman from Ohio. I therefore do not feel that, as chairman of the Committee on Appropriations, I can resist it now.

Mr. SHEAKLEY. Is an amendment to the amendment in order?

The CHAIRMAN. It is.

Mr. SHEAKLEY. I offer the following amendment to the amendment of the gentleman from New York, [Mr. CHITTENDEN:]

Add to the amendment as follows:

And provided further, That the compensation which would have been due to a deceased member had he lived shall be paid to the family of said deceased member up to the date of the election of his successor.

Mr. RANDALL. I would suggest to the gentleman that he modify his amendment by providing that the payment shall be made to the widow, and in case there is no widow, to the legal representatives.

Mr. SHEAKLEY. I am willing to modify it in that way.

As I understand it, as the law is now, where a member is elected and dies, for instance in thirty days after he is elected, his family or heirs draw no pay. His successor, elected a year afterward, draws the pay which would have been due the member had he lived. This amendment is to secure to the widow or lawful heirs of the deceased member the compensation which he would have drawn had he lived. It is certainly unjust that the member who is not elected until one year after the legal time of the election of members should draw the pay which was due to the member elected at that time.

Mr. CHITTENDEN. Will the gentleman from Pennsylvania allow me to state that there is nothing about death in my amendment. It covers cases of resignations as well as cases of death. If the gentleman modifies his amendment to make it harmonize with mine in that respect, I see no objection to it.

Mr. SHEAKLEY. I would ask the gentleman if he has ever known a case where a member drawing $5,000 and doing nothing has resigned?

Mr. CHITTENDEN. I have known a case where a member was elected to fill a vacancy caused by resignation. I have known several such cases.

Mr. RANDALL. I would ask the gentleman from Pennsylvania [Mr. SHEAKLEY] whether the result of his amendment is to give to the widow or legal heirs of the member deceased the amount of pay up to the time of the election of his successor?

Mr. SHEAKLEY. That is the intention.

Mr. RANDALL. I have always thought that that was just; and while not authorized to accept the amendment, I hope the committee will adopt it.

Mr. SHEAKLEY. With the permission of the committee I will modify the amendment by inserting the words "widow or legal representatives."

Mr. HARRISON. I rise to oppose the amendment *pro forma*, merely for the purpose of making a suggestion. It has been the usual practice of this House, I believe, when a member has died and the widow or heirs are in circumstances requiring it, that the House have granted pay even beyond the time of the member's death. Now, would it not be better to continue that discretion in the House? If you give it to the heirs, then the widow would not get it, as she would only get one-half of the personalty; whereas this House might determine that the widow should get it. It ought to be left to the discretion of this House to give the whole of it to the widow in certain contingencies, and therefore I think that probably by passing such a law as this we would place the widows and families of deceased members in a worse position than they are at present.

Mr. RANDALL. I ask for the reading of the amendment to the amendment as modified.

The Clerk read as follows:

And provided further, That the compensation which would have been due to a deceased member had he lived shall be paid to the widow, or, if no widow, the legal heirs of said member up to the date of election of his successor, and this shall apply to cases of resignation as well.

Mr. RANDALL. That part of the amendment about resignation ought to be stricken out; a man might resign and not leave a widow.

The CHAIRMAN. The Chair can only take notice of amendments as they are sent to the Clerk's desk.

Mr. RANDALL. I am not reflecting on the Chair at all.

The CHAIRMAN. The Chair does not so understand.

Mr. KASSON. Let us vote down this amendment, and then the gentleman can offer one in a correct form; this is evidently not correct.

Mr. RANDALL. I ask my colleague from Pennsylvania to strike out that part of his amendment which relates to resignation.

Mr. SHEAKLEY. I will so modify the amendment.

The question was taken on the amendment to the amendment offered by Mr. SHEAKLEY to the amendment of Mr. CHITTENDEN; and it was agreed to.

Mr. FORT. I move to strike out the last word of the amendment as amended. It seems to me that it would be well to examine the statute proposed to be amended. As the law now stands the widow of a deceased member who dies after his term of office shall have commenced can draw three months' pay; and I will ask the Clerk to read sections 49, 50, and 51 of the Revised Statutes.

The Clerk read section 49, as follows:

SEC. 49. When any person who has been elected a member of or Delegate in Congress dies after the commencement of the Congress to which he has been elected, his salary shall be computed and paid to his widow; if no widow survive him, to his heirs at law, for the period that has elapsed from the commencement of such Congress, or from the last payment received by him to the time of his death, at the rate of $7,500 a year, with any traveling expenses remaining due for actually going to or returning from any session of Congress.

Mr. FORT. It will be noticed that Congress has since reduced the amount of pay from $7,500 to $5,000.

The Clerk then read the fiftieth and fifty-first sections of the Revised Statutes, as follows:

SEC. 50. Salaries allowed under the preceding section shall be computed and paid in all cases for a period of not less than three months from the commencement of Congress.

SEC. 51. Whenever a vacancy occurs in either House of Congress by death or otherwise, of any member or Delegate elected or appointed thereto after the commencement of Congress to which he has been elected or appointed, the person elected or appointed to fill it shall be compensated and paid from the time that the compensation of his predecessor ceased.

Mr. FORT. It will be seen that these are the three sections of the Statutes at Large which are proposed to be amended. The law at present is that if a member dies after the session begins or after his term commences his widow or heirs shall draw the three months' pay, even if he dies the next day after his term begins. But if you adopt the amendment as proposed it may turn out that the widow would not draw three months' pay because the successor of her husband might be elected and be entitled to his pay within a less period than three months after the death of her husband; so the amendment, as I understand it, is really in the direction of reducing the pay allowed to the widows and heirs of deceased members.

Mr. SHEAKLEY. There is no injustice in that, because the member had drawn a year's pay, or, at least, pay from the 4th of March, when his term commenced.

Mr. FORT. Take the instance of a man who dies on the 5th of March. In that case the widow would draw three months' pay, and the successor might be elected within a month, and take his seat and draw pay from that time; and then, if this amendment is adopted that is now proposed, the widow would get pay only from the time of the death of her husband up to the time the new member was elected; so that if the House desires to be liberal to the widows and heirs of members it may turn out that the law, as it now exists, is more liberal than it would be if amended as proposed by the gentleman from Pennsylvania, [Mr. SHEAKLEY.]

Mr. SHEAKLEY. Is there any justice in a member who is elected a year after the regular election drawing his whole salary?

Mr. FORT. That question has been settled by the adoption of the amendment of the gentleman from New York, [Mr. CHITTENDEN.]

Mr. SHEAKLEY. That does not go back.

Mr. FORT. I have no objection to the adoption of the amendment providing that the pay of members shall begin only from and after the time of their election. What I propose is to retain the statute as it now is in regard to the families of deceased members.

[Here the hammer fell.]

Mr. FORT. Allow me to add, Mr. Chairman, that in the case of the vacancy now existing in Connecticut in the district formerly represented by Mr. Starkweather the election for his successor takes place next Monday, and in that case this amendment would give to the widow of Mr. Starkweather less pay than she would draw under the statute as it now is.

The question was taken on the amendment of Mr. CHITTENDEN as amended by the amendment of Mr. SHEAKLEY; and it was not agreed to.

Mr. WELLS, of Mississippi. I offer the amendment which I send to the Clerk's desk and ask to have read.

The Clerk read the amendment, as follows:

In line 127 strike out all after the words "$9,000," as follows: "And from and after the 30th of June next, the compensation of said members and Delegates shall be $4,500 per annum," and insert in lieu thereof the following: "And from and after June 30 next, the compensation of said members and Delegates shall be the actual mileage expended in coming and returning from each session or called session of Congress: *Provided*, That no money for mileage shall be paid to any member of Congress who received during the Forty-second and Forty-third Congresses the extra compensation in excess of $5,000, until such member shall have refunded to the Government the amount in excess of the $5,000 received by him while a member of the Forty-second or Forty-third Congresses."

Mr. WELLS, of Mississippi. As a spirit of retrenchment is abroad in the land and we are all seeking how we may be able to reduce the expenditures of the Government, I have therefore introduced this amendment, in order to show how we may be magnanimous and at the same time reduce expenses. This being the centennial year, we can set an example by adopting this amendment, and thus reduce the expenditures of the Government at one blow over $1,365,000. It strikes me that no better example could be set by us as members of this body than to place ourselves before the country as at least ready to surrender some of the emoluments we receive. By this we may then, perhaps, be justified in reducing the compensation of clerks and employés in the different Departments as proposed by this bill.

Mr. STONE. Will the gentleman permit me to ask him a question?

Mr. WELLS, of Mississippi. Certainly.

Mr. STONE. The amendment of the gentleman looks to the return of some of the money that has been received in former Congresses. Was the gentleman a member of the Forty-second and Forty-third Congresses?

Mr. WELLS, of Mississippi. I was not.

Mr. STONE. And as he received no money then, he would have none to return?

Mr. WELLS, of Mississippi. If I had been a member of either of those Congresses, I would comply with this amendment, if it shall be adopted, by refunding.

I believe this House is animated by the feeling of retrenchment and reform which prevades the whole air. It is suggested by a friend near me that that is what makes the air here so bad. I am not certain about that, but perhaps that may be the cause of the bad air. As this is the centennial year, let us commence here among ourselves; let it go to the people that we adopt as a basis for our own pay that which will stagger those who come after us, and let this question be settled forever.

The amendment of Mr. WELLS, of Mississippi, was not agreed to.

The Clerk resumed the reading of the bill, and read the following:

For compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the House of Representatives, namely: Clerk of the House of Representatives, $4,500, and for hire of horse and carriage for the use of the Clerk, $500; Chief Clerk, journal clerk, two reading clerks, and tally clerk, five in all, at $2,250 each; for disbursing clerk, file clerk, printing and bill clerk, and enrolling clerk, four in all, at $2,000 each; for assistant to Chief Clerk, assistant to enrolling clerk, resolution, petition, and distributing clerk, newspaper clerk, superintendent of document-room, index clerk, librarian, and engineer, eight in all, at $1,800 each; for stationery clerk, $1,500; upholsterer and locksmith, $1,440; two messengers assisting librarian, at $1,440 each; for book-keeper, two clerks, two folders, and two assistant engineers, seven in all, $1,200 each; for four firemen, at $900 each; one laborer at $820, and three laborers, at $720 each; one telegraph messenger and one page, at $2.50 per day each during the session; and one telegraph operator, at $100 per month during the session; for clerk to the Committee of Ways and Means, $2,250; messenger to the Committee of Ways and Means, $1,200; clerk to the Committee on Appropriations, $2,400; messenger to the Committee on Appropriations, $1,200; clerk to the Committee of Claims, $2,000; clerk to the Committee on War Claims, $2,000; clerk to Speaker's table, $1,500; private secretary to the Speaker, $1,500; Sergeant-at-Arms of the House of Representatives, $4,000; for one horse and wagon for his use, $500; clerk to the Sergeant-at-Arms, $2,000; paying teller for the Sergeant-at-Arms, $2,000; messenger to the Sergeant-at-Arms, $1,200; Doorkeeper, $2,500; chief messenger, $1,800; clerk for Doorkeeper, $1,200; Postmaster, $2,000; first assistant postmaster, $1,800; twelve messengers during the session, at $125 per month each and two at $1,200 each; Chaplain of the House, $900; five official reporters of the proceedings and debates of the House, at $4,500 each; two stenographers for committees, $4,500 each; and this shall be in lieu of all other compensation for such services in reporting and transcribing the proceedings of each and all of said committees; superintendent of the folding-room, $1,800; two clerks in the folding-room, one at $1,500 and one at $1,200; one folder in the sealing-room, $1,200; superintendent and chief assistant in the document-room, at $1,800 each; document file clerk, $1,200; thirty-two messengers, to be employed during the session, at $125 per month, $500 each, fourteen of whom shall be on the soldiers' roll; two folders, at $60 per month, during the session, $240 each; ten laborers, at $720 each; ten laborers, during the session, at the rate of $720 each per annum, $2,400; one laborer, at $600; one laborer, (Henry Douglas,) at $840; and for one female attendant in ladies' retiring-room, $600; making in all, the sum of $173,120.

Mr. RANDALL. By direction of the Committee on Appropriations I desire to move sundry amendments to the paragraph just read. The first amendment is in line 148, after the words "for book-keeper," strike out the words "two clerks, two folders," and insert in lieu thereof the words "four clerks."

Mr. SAYLER. I would like to hear some explanation of that amendment.

Mr. RANDALL. If the gentleman will wait till I get through with my amendments to this paragraph he will then see exactly how it will stand. I think quite a number of the amendments the gentleman desires to offer have been provided for by the Committee on Appropriations.

Mr. SAYLER. I hope so.

The amendment of Mr. RANDALL was adopted.

Mr. RANDALL. I move to further amend, in line 152, by striking out "one telegraph messenger and," also in line 153 strike out the word "each;" so that it will read, "one page at $2.50 per day during the session."

Mr. GARFIELD. Why?

Mr. RANDALL. We want but one page, not a telegraph messenger also.

Mr. GARFIELD. Why not strike out the word "page," and leave "telegraph messenger," which is the major characteristic of the office?

Mr. RANDALL. He is in fact a page.

The amendment was agreed to.

Mr. RANDALL. I move to further amend, in line 156, by striking out "$2,200" and inserting "$2,400," as the salary of the clerk of the Committee of Ways and Means, so as to make his salary the same as that of the clerk of the Committee on Appropriations.

Mr. HALE. That is right; the salary of the two clerks has always been the same.

The amendment was agreed to.

Mr. RANDALL. I move to further amend in the portion of the paragraph relating to the Doorkeeper, by striking out of lines 171 and 172 the words "chief messenger, $1,800," and inserting in lieu thereof the words "assistant doorkeeper, $2,000."

The amendment was agreed to.

Mr. RANDALL. I move to further amend in lines 195, 196, and 197, by striking out "two folders, at $60 per month during the session, $240 each; ten laborers, at $720 each," and inserting in lieu the words "four laborers under the superintendent of the folding-room, to handle books, at $720 per annum each; seven laborers, at $720 each."

The amendment was agreed to.

Mr. RANDALL. I have an amendment changing the total amount appropriated by this paragraph, but I will not offer it at present.

Mr. SAYLER. I am disappointed in the amendments moved by the chairman of the Committee on Appropriations, for they do not reach my case. I move to amend by inserting after "dollars" in line 162 the following:

Clerk to the Committee on Public Lands, $2,000.

In their wisdom the Committee on Appropriations in this bill have seen fit to deprive the Committee on Public Lands of a permanent clerk. That committee has had a permanent clerk since 1862. As it is a matter of considerable importance, not only to that committee but to every member of this House, and I think to the people of this country generally, that this clerk should be retained, I desire to call attention to the manner in which this permanent clerk was first provided for and to the duties which are imposed upon him. It was in the second session of the Thirty-seventh Congress that the following resolution was adopted:

Resolved, That the Committee on Public Lands be authorized to employ a clerk for said committee, who shall, in addition to his usual duties, be charged with the care, preservation, and continuation of the series of land maps ordered for the use of said committee by the resolution of the House of Representatives of May 4, 1848, at the same compensation heretofore allowed the draughtsman upon the said maps.

Resolved, That the Speaker of this House be directed to assign a suitable room in the Capitol for the use of the said clerk, to be called the "land-map room," in which all the maps constructed under the said resolution shall be arranged and preserved for the use of the House of Representatives.

Under that resolution there was transferred from the Department of the Interior a skilled draughtsman who held the place for perhaps about one year, when another skilled draughtsman was transferred from that Department; and he has held the position from that day until this. That draughtsman has originated and now continues the series of land maps which mark out the public lands of the United States, giving their division into sections and showing definitely all the lands that have been granted for any purpose whatever. He has from that day to this never had a room assigned him in the Capitol, but has used for this purpose a room in his own house. He is to-day engaged in the construction of perhaps the greatest map that was ever made of any country, a map which is to be known as the "centennial map" and in reference to which I hold in my hand a letter from the Commissioner of the Land Office, asking specially that it shall be photo-lithographed for general use.

Sir, it is impossible for the Committee on Public Lands, charged with the grave interests which are committed to their care, to discharge intelligently their duties unless they have as clerk a skilled man who from day to day if necessary, certainly from week to week and from month to month, shall mark upon the original map hanging in the committee-room the precise condition of the public lands.

The Committee on Appropriations propose to appropriate $2,400 for a permanent clerk for themselves; a gentleman whose chief duty seems to be during the few minutes that Congress sits to multiply a given sum by ten and then subtract what is thus obtained (after the two decimal figures have been cut off) from the main sum; and who has nothing else to do the entire year. [Laughter.] They have seen fit to give to the Ways and Means Committee a clerk at $2,400, whose duties are more important I concede, and who ought to be a thoroughly intelligent gentleman. They have given to the Committee on Claims and the Committee on War Claims each a permanent clerk. But they propose that we shall employ a clerk at $4 a day, though our clerk is required by law to be a draughtsman and surveyor—a skilled man; for nobody else can possibly discharge the duties of the position, as every gentleman who has ever served upon the committee will say. In support of my proposition, I appeal to my friend on the republican side of the House, [Mr. TOWNSEND, of Pennsylvania,] who was chairman of that committee last year.

As to the proposition that we shall employ a clerk at $4 a day, we simply cannot do it. Why, sir, there are a thousand million acres of unsurveyed lands in this country. Two hundred million acres have been given in one way or another to various corporations. From day to day we are watching the disposition of these lands; from day to day we are trying to recover them for the use of the settlers by preemption and homestead; from day to day, with the skillful assistance of our clerk, we are required to make marks upon the maps, that we may know how and with reference to what we are legislating. In all honesty and all earnestness, not simply as the chairman of the committee, but as a man who seeks to do his duty toward the people of the country who have a large interest in this land, I hope the amendment which I propose will not be antagonized.

Mr. RANDALL. I have no hostility whatever to the proposition of the gentleman from Ohio, [Mr. SAYLER,] and I am quite willing that the House upon his statement should decide the question. The committee did not provide for this clerk as a permanent clerk, because, I presume, from all the information we could gather, it was not considered necessary. But I am quite willing that the House shall determine as between the committee and the gentleman who makes this statement, who, being the chairman of the Committee on Public Lands, is of course better informed on this subject than the Committee on Appropriations.

But I want to correct some of the gentleman's statements as to the character of the service performed by the clerk of the Committee on Appropriations. There is no member of Congress who performs more valuable service to the country than this committee-clerk. I want this statement to stand side by side with that of the clerical mathematical duty which the gentleman from Ohio assigned to this clerk.

Mr. SAYLER. As the gentleman so kindly refrains from opposing my amendment, I retract what I said on that point.

Mr. KASSON. Is not this clerk provided for by the Revised Statutes as a permanent clerk?

Mr. RANDALL. He is.

Mr. KASSON. So that, if we adopt the amendment, we only put back this clerk to the position assigned him by the statutes.

Mr. RANDALL. We put him back to where he now is by law.

Mr. KASSON. I think that ought to be done.

Mr. RANDALL. Well, let the House so say, if it chooses.

Mr. TOWNSEND, of Pennsylvania. Mr. Chairman, I move to amend the amendment by striking out the last word. I can very well appreciate the desire of the chairman of the Committee on Public Lands to retain the services of a valuable clerk to his committee. Having had the honor to serve on that committee for six years and to be its chairman for two years, I can very well testify to the valuable services that have been rendered to that committee by the present incumbent of the office of clerk. And I desire to say that the legislation with regard to the public lands is the most important that comes before Congress. It is, in addition to that, the most difficult and the most intricate legislation, and requires a large amount of care and sagacity on the part of the committee and of the clerk to steer clear of the snags and sawyers and quicksands found in the bills which are brought before Congress.

There are many bills with regard to the public lands coming before this House which, if they are not carefully watched, will rob the Government of millions of acres for the benefit of speculators. And to the care and vigilance of that clerk, who is familiar with the legislation of Congress for the last dozen years, the Committee on Public Lands on various occasions has been indebted for being saved from most unfortunate legislation. He is well posted in the legislation of the country and has been able to point out defects and deficiencies in bills, and to show when the tendency of particular measures is alone to benefit speculators to the great disadvantage of the country.

The present Committee on Public Lands, with a single exception, is an entirely new committee. The important duties imposed upon it are new to them. The legislation is mostly new legislation; and if they were left alone, without the vigilance of some one who has paid much attention to the land legislation of the country, this House might be led into measures which would be exceedingly unfortunate.

I desire to give it as my opinion it is a matter of economy, not the mere economy of the difference in the wages of the clerk, but a matter of vast economy in the care and protection of the public lands which will be afforded to the committee by the legislative experience and knowledge of the well-trained clerk they now have. I therefore trust the House will have no hesitation in acceding to the amendment of the distinguished chairman of that important committee.

[Here the hammer fell.]

Mr. CANNON, of Illinois. I rise to oppose the amendment. I do so, Mr. Chairman, merely for the purpose of making a suggestion in view of what we are told of the great experience and the great wisdom of this gentleman, clerk of the Committee on Public Lands. I have no doubt he knows as much as the gentleman from Pennsylvania claims for him, and therefore it would be well to make him Commissioner of the Land Office or Secretary of the Interior. [Laughter.]

Mr. TOWNSEND, of Pennsylvania. I withdraw my amendment.

Mr. WHITEHOUSE. I renew the amendment.

Now, Mr. Chairman, I am in favor of economy. It is a most excellent thing, but I am in favor of economizing in the right direction. I believe we should here in Congress legislate upon the same principles good business men and sound firms manage their own business affairs. If we have employés or assistants who are valuable, who know the whole routine of our business, who have grown up and made themselves perfectly familiar with it, we cannot afford to reduce their salaries and force them to secure employment elsewhere. Now, if I understand this aright, it is one of the most important clerkships in this House, and with due deference to the honorable gentleman who is the chairman of the Committee on Appropriations, I think it is fully as important as, and to my mind more important than, the clerkship to his own committee.

I do not know personally in regard to the details of the business of this Committee on Public Lands, but if there is any big job to be carried through this or any other Congress, in my judgment, it will be carried through in these land bills. Therefore I say it is essentially necessary we should have a clerk for that committee who thoroughly understands the whole matter. This clerk having such large experience, being perfectly familiar with the duties of his office, it would be, I think, poor economy to reduce his salary at this time.

Mr. RANDALL. If the friends of this gentleman would do more voting and less talking, the sooner the proposition would be acted on.

Mr. HUBBELL. I only desire to suggest whether it is not best for us to vote on the proposition at once, for fear this clerk will "raise" on us before we get through with the discussion? [Laughter.]

Mr. SAYLER'S amendment was agreed to.

Mr. WADDELL. I offer the following amendment.

The Clerk read as follows:

Strike out all from and including the words "Chief Clerk," in line 126, down to and including the word "session," in line 155; and in lieu thereof to insert the following:

Chief Clerk and journal clerk, $3,000 each; two reading clerks and tally clerk, $2,700 each; disbursing clerk, file clerk, printing and bill clerk, enrolling clerk, and index clerk, $2,332.80 each; assistant to Chief Clerk, two enrolling clerks, resolution and petition clerk, stationery clerk, and newspaper clerk, $1,944 each; doorkeeper in stationery-room, distributing clerk, assistant index clerk, superintendent of document-room, assistant to clerk, $1,620; six assistant clerks, $1,300 each; six messengers, at $1,300 each; engineer, at $1,620; three assistant engineers, at $1,300 each; five firemen, at $1,090 each; one laborer, at $820; six laborers, at $720; one upholsterer and locksmith, at $1,300; one telegraph operator during the session, at $100 per month; one telegraph messenger and page, at $2.50 each, to be paid during the session.

Mr. WADDELL. Mr. Chairman, I am very well aware that in the present temper of the country and the House it is an ungracious task to resist anything like attempting to reduce the expenditures of the Government. I feel all that; but looking at this matter in connection with others I cannot go with the committee in the wholesale, sweeping reductions they have made in the Clerk's office. And I may say at the outset that if there is any gentleman on this floor who can offer this amendment with more propriety than myself I do not know it. If there is any gentleman on the floor of either party here who is less indebted to any officer of this House from the highest to the lowest for any favor or patronage of any kind than myself, I am not aware of it. Therefore, in offering this amendment, the only criticism to which I can be amenable is perhaps that of a want of judgment; and in view of some acts which have characterized the deliberations of this body at this session, I think I may claim, without undue assumption, an average amount of that faculty.

The present force of the Clerk's office is sixty-one. This bill proposes to reduce it to thirty-nine. The bill proposes to take twenty-two employés out of the Clerk's office, reducing the number to thirty-nine. It reduces the salaries from 16 to 37½ per cent., while reducing the force 36 per cent. My amendment reduces the force 13 per cent. and the salaries over $1,200 10 per cent.

In the Thirty-eighth Congress there were one hundred and ninety-six members, and fifty men were considered necessary in the Clerk's office. In the Forty-third Congress, as in this, there were three hundred and two members of the House, and the force, as I said a moment ago, was sixty-one. The bill proposes to reduce it to thirty-nine; so that while in the Thirty-eighth Congress, with one hundred and ninety-six members, fifty men were considered necessary, in this Congress, with three hundred and two members, thirty-nine employés are only considered necessary by the committee. There were less than one thousand bills introduced into the Thirty-eighth Congress. There were over five thousand bills introduced in the Forty-third Congress, and the same proportion of bills is being introduced in this Congress. There is also a similarly increased proportion of joint resolutions. My friend from Ohio [Mr. FOSTER] explained this whole matter to the House the other day, but his statement did not, perhaps, attract as much attention as it ought, and I have therefore submitted the leading figures again.

The Clerk of the House has under his charge certain work which belongs to the Sergeant-at-Arms of the Senate, as the care of the heating and ventilating apparatus and the document room; but his force is reduced twenty-two men, while the force of the Clerk of the Senate is only reduced four men.

Take the journal clerk of the House. I desire to call attention to what, with all respect to the committee, I cannot but consider a gross inequality in their bill. It is proposed in this bill to give the journal clerk $2,250, the salary of that officer heretofore having been $3,600, a reduction of 37½ per cent. At the same time the bill proposes to abolish the office of assistant journal clerk, who heretofore got $3,000. That is, this bill proposes to put on one man at a salary of $2,250 the work that has heretofore devolved on two men with salaries amounting to $6,600. That, I think, is scarcely just, and I will not vote for it. I know there was a special clause in favor of that distinguished parliamentarian, Mr. Barclay, whose absence I personally regret, limiting the salary of $3,600 to his term of office. But this bill reduces the journal clerk's salary, as I said a moment ago, from $3,600 to $2,250 and wipes out the assistant journal clerk entirely. I say that is unjust.

And so it runs all through this portion of the bill. Comments have been made on the salaries of the clerk of the Committee on Appropriations and the Chief Clerk. I do not think the pay allowed to the clerk of the Committee on Appropriations too much for his services, and I am glad to have that as it is. But I would wish that the salaries of these hard-worked employés, many of whom remain here the entire year, were reduced only the amount I have stated; that is, with a reduction of 13 per cent. in force, a reduction in salaries over $1,200 of 10 per cent. I would like to see that 10 per cent. reduction carried through the entire bill. I am ready to vote for that, but I cannot vote for the bill as reported to the House. I regret exceedingly that I have to antagonize a matter coming from a leading committee of which the majority are of my own party, and especially one having at its head the gentleman from Pennsylvania, with whom all my relations are of the most agreeable character.

Mr. MILLIKEN. Will the gentleman state what employés will be struck off by his amendment?

Mr. WADDELL. It strikes out eight men of the Clerk's office. It strikes out the chief messenger, saving $2,100. It strikes out the assistant journal clerk, saving $3,000 by that. It strikes out the librarian and assistant librarian, saving $4,320. It strikes out two folders, one at $1,314 and another at $1,440. It strikes out the clockman at $300, and it strikes out a fireman at $1,095. The total reduction in money by my amendment in the Clerk's office is $21,511.

[Here the hammer fell.]

Mr. WADDELL. I want a moment more. At present we pay $100,074 for this service and my amendment proposes to reduce that amount to $78,563, saving $21,500, or an average of a little more than 20 per cent., while by the bill the committee propose that the sum be reduced to $54,000 in round numbers.

[Here the hammer fell.]

Mr. WELLS, of Missouri. Before I make any remarks in answer to the gentleman from North Carolina, [Mr. WADDELL,] I will ask the Clerk to read a portion of the report of the Committee on Appropriations which I have marked in relation to this subject. It is very brief, but it explains somewhat the reasons why the committee have made this reduction.

The Clerk read as follows:

The committee, in the re-organization of the offices and employés of the House, have been governed with a view of equity in respect to number and salaries of the respective departments of the House, their services, and necessary number to conduct the business of legislation which would seem to be just and proper; also, the fact of the necessity and importance of strict economy in this respect, which will be borne out throughout the bill in all the departments of the Government enumerated in this bill. We found from examination that the number, as well as their salaries, has been far greater than the services justified, and it has been the object of the committee to make such radical changes and modifications as would serve to place said force on a business basis, or upon such as a business man would establish for the conduct of his private affairs.

It will be seen that heretofore the appropriation bill has enumerated only in part the duties or positions and salaries of the respective clerks of the House, whereas this bill gives in detail the position of each. The number has been radically reduced, still leaving, however, as the committee believe, sufficient to discharge all the duties incumbent on them in the prompt and efficient aid of the legislation of the House. Many of them have been dropped. With the approbation of the Clerk, the salaries have been reduced in proportion to the duties and responsible position held by them, respectively.

Mr. WELLS, of Missouri. Before taking action with regard to the employés in the Clerk's department, the subcommittee of the Committee on Appropriations, of which I was a member, called on him for the pay-roll of his office, and we found that there were upon the pay-rolls the names of officers that were not authorized by law. I find upon his pay-roll, which I hold in my hand, quite a number of officers that were put down as folders that were paid out of the appropriation for folding; but I find on his pay-roll here the names of a number of gentlemen who I understand have never done any duty of any kind and have drawn their money out of the Treasury of the United States. I asked him how many employés were necessary to carry out the actual duties of his office, and I did not refer to folders and other employés of that character. He took the list and drew his pen through and struck out of the list quite a number of employés; for instance, a chief messenger; also, the assistant journal clerk and an assistant enrolling clerk, and quite a number of folders and laborers whom he had on his list here.

But, sir, I expect to confine myself in the remarks I now make particularly to the objection made by the gentleman from North Carolina [Mr. WADDELL] which refers expressly to the clerical force in the office of the Clerk. The committee only struck off three clerks in his department, making five in all. The committee believe from the information they had before them, and which they gathered from the books and an examination of the duties of the office, that the office could be conducted efficiently with the force recommended by this bill.

I will state in connection with this matter, Mr. Chairman, that the Clerk had taken folders and put them in the stationery-room and other departments under his control which was not authorized by law.

Mr. BLACKBURN. Will the gentleman from Missouri allow me to ask him a question?

Mr. WELLS, of Missouri. Yes, sir.

Mr. BLACKBURN. I simply desire to know whether the investigations of the committee of which the gentleman of Missouri is a member will warrant him in responding to this interrogatory, whether this impropriety, if so he deems it, of employing men in the folding-room and assigning them to the clerical force of the House is a matter new to this House, or whether it was not so in former Houses, and whether the present Clerk did not simply carry out the practice just as heretofore; and furthermore I would ask him whether there has been any addition to this unauthorized force in this House, as compared to the unauthorized force employed in preceding Congresses?

Mr. WELLS, of Missouri. I will state that I have no knowledge as to the officers of the House under previous Clerks of the House. The only information that I have in regard to the officers I hold in my hand in this pay-roll; but I heard from the Clerk himself that he had ten folders in the Clerk's folding-room or document-room where there have not been five thousand books folded during the last two years. These folders, I presume, were employed as messengers around the several offices in the Clerk's department. I find here a superintendent of the stationery-room. The Committee on Appropriations have not been able to find any law either in the Book of Estimates or in the statutes of Congress authorizing a superintendent of the stationery-room. We find a superintendent here at a salary of $2,120 a year and an assistant or book-keeper at $1,800 a year.

[Here the hammer fell.]

Mr. HOUSE. Mr. Chairman, I move *pro forma* to strike out the last word. While I have every disposition in the world to support the bill of this committee, and also every other well-considered bill of every other committee of this House, yet, sir, I cannot give my sanction to the principle upon which this bill seems to be based.

Why, Mr. Chairman, what are we proposing to do? On what principle is this committee proceeding? The other day, when the chairman of the Committee on Appropriations was explaining the principle upon which the committee was proceeding, he said:

Wherever we possessed the power we have reduced all the salaries above $1,200. We reduced none at or below $1,200, because we thought that would work peculiar hardship on those receiving small salaries. Upon what ground could the committee possibly stand in reducing all other salaries 10 per cent., and not reducing their own? For one, if any man in the committee had favored such a proposition as that, I would have been utterly unwilling to agree.

Now, Mr. Chairman, whatever opinion some gentlemen of this House may entertain as to whether the salary of a member of Congress should be likened to the salary of a clerk or employé of this House this committee has certainly not recognized that principle. What do we propose to do? We propose to reduce our own salaries only 10 per cent., and we propose to reduce the salaries of the clerks and employés of this House on an average of 22 per cent.

The chairman of the committee further said:

Having reduced all salaries 10 per cent., as we conceived the necessities of the times required us to do, we then turned our attention to supernumeraries; we fixed the amount of reduction of clerical force at 20 per cent.

The chairman of the committee says they have reduced the salaries 10 per cent. Sir, the committee has reduced the salaries of the employés and clerks of this House upon an average at least 22 per cent. The chairman furthermore said that they reduced the force 20 per cent. They have reduced the force of the employés and clerks of this House 36 per cent.

I would like to know how any committee can undertake to run through the Departments of this Government on such a scale of reduction of force. It cannot be done. Some Department may have more supernumerary force than others. But it would be the most extraordinary coincidence in the world if every Department of this Government had just 20 per cent. of supernumeraries and sinecures. Yet that is the principle, as the chairman said, on which the committee proceeded in this bill.

Sir, the force of this House is reduced below what it was in 1860. In 1860, when this House was composed of two hundred and forty-two members, the clerical force was forty-six and the cost of running the House was a little upward of $63,000. The committee proposes to reduce the clerical force of this House at this time to thirty-nine, and to reduce the entire cost of that clerical force to $9,000 below what it was in 1860, before the days of extravagance and demoralization set in.

I believe the amendment offered by the gentleman from North Carolina [Mr. WADDELL] is right, and I shall support it, and I think the members of this House ought to support it. What member of this House can go before an intelligent constituency and tell them that he is for economy and say, "We have reduced our own salaries 10 per cent.; but when we struck the poor clerks of the House we reduced them 37 per cent. in number and on an average 22 per cent. in compensation?" As I said in the beginning, if we agree to the propriety of reducing our own salaries, let us do so to an extent that will amount to something. If we should reduce the salaries of the members of this House the same per cent. that the salaries of the clerical force is reduced by this bill, then an amount of money will be saved that will be worth something. But for one I cannot agree to go before the country with such a record as this, to reduce my salary 10 per cent. and then reduce the salaries of these clerks, some of whom have to be here the entire year, some 30, some 25, and some 20 per cent.

[Here the hammer fell.]

Mr. RANDALL. First, in reference to the percentage of numerical decrease. That arises from the change made in the manner of conducting the folding-room. We propose an entirely different system. Heretofore, as shown by an examination of the accounts, every book that was folded, the paper, twine, and paste being supplied, cost us twenty cents. This was a gross and outrageous extravagance. The committee deemed it necessary to go back to the old system of awarding this work to the lowest bidder, making a stipulation that it should not be above a certain amount. So much for the reduction of the force.

It is well known to this House that the clerical force about the two branches of Congress has from time to time been increased beyond all reason. We do not have the opportunity even of remedying that great abuse for this session of Congress. Under the law we are now keeping up, and shall continue to keep up until the 1st day of July next, this large force, which, upon an examination by a subcommittee having no partisanship in it whatever, for it embraced one from each side of the House, we found to be too large and with salaries altogether too high by reason of past legislation.

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

Mr. RANDALL. In one moment. The subcommittee made their report, which was confirmed by the action of the entire committee, and rated the salaries of the clerical force of this House with salaries paid for like service and like responsibilities in other departments of the Government.

Mr. CONGER. I understood the gentleman to say that the committee had provided for the expenses of the folding-room by contract?

Mr. RANDALL. Yes.

Mr. CONGER. I would ask the gentleman whether any other of the duties about this House are provided for in this bill to be done by contract?

Mr. RANDALL. Not of members of Congress. Instead of paying twenty cents per volume for folding, we maintain that it can be done at one and a half cents, at the very highest, as it has heretofore been done.

Mr. CONGER. If the expense for folding is not embraced in this bill and if other expenses are not embraced in this bill, why did the gentleman claim that the amount saved by this bill was as much as he said, when he says that there are other expenditures of the former system not embraced in this bill?

Mr. RANDALL. We have reduced the expenditures enormously. The chairman of the subcommittee will state how much we will save by the changes proposed in this bill.

Mr. CONGER. I understood the gentleman to state in his opening speech on this bill that by the reductions proposed here the committee had made a great saving over former years. Now it appears that he has simply transferred some part of it to another bill for another appropriation.

Mr. RANDALL. Not at all. I made no such statement as that; and I did not intend to imply it or to have anybody infer it.

Mr. CONGER. I understood the gentleman to say the committee had not in this bill provided for folding, which was provided for in former bills.

Mr. RANDALL. A little further on the gentleman will find an appropriation for folding at what we estimate will be the cost of folding the entire number of books at the contract price.

Mr. CONGER. The gentleman then has calculated beforehand what that contract price shall be.

Mr. RANDALL. We have fixed a maximum.

Mr. WELLS, of Missouri. Taking the previous Congress as a guide.

Mr. FOSTER. Did I understand the gentleman from Pennsylvania [Mr. RANDALL] to say that the subcommittee agreed to this part of the bill as now reported to the House?

Mr. RANDALL. No, sir, I did not; I said that a subcommittee investigated all this subject; that the subcommittee was non-partisan, composed of one member on each side; that with slight modifications the committee indorsed the report. I believe that is correct.

Mr. FOSTER. The subcommittee, the gentleman will remember, made no report as to salaries.

Mr. RANDALL. No, sir.

Mr. FOSTER. And did make a report for a larger force than is reported in this bill by three, I think.

Mr. RANDALL. By three only?

Mr. FOSTER. Yes, sir, by three; about as suggested by the amendment of the gentleman from North Carolina.

Mr. RANDALL. Now, I have no doubt in the world that this Congress can be handled in its clerical duty by the force that is provided for in this bill. Besides, the reductions do not commence until the 1st day of July next.

[Here the hammer fell.]

Mr. DURHAM. I move to amend the amendment by striking out the last letter. I desire to say a few words in regard to this bill, and more especially the amendment proposed by the gentleman from North Carolina. I have a great deal of confidence in the ability of the present Clerk of the House of Representatives to say to the House what is the necessary clerical force to carry on its business. I understand the Clerk to say that he cannot carry on the business of this House creditably with the force provided for in this bill. If that be true, I say it is the bounden duty of this House, in the interest of economy, to provide for the clerical force proposed by the motion of the gentleman from North Carolina. I am in favor of making all necessary and proper reductions in the clerical force in all the Departments, but I would not injure the public service in any regard by cutting off a single one of these clerks. We cannot do it in justice to ourselves.

So much in regard to the clerical force. I wish now to say a few words as to the amount of the salaries proposed in this bill; and upon this subject I really cannot do better than adopt the argument of the gentleman from Tennessee, [Mr. HOUSE.] It does appear to me exceedingly strange—and, mark you, I do not impugn the motives of the Committee on Appropriations at all, because, as I have said in a speech published in to-day's RECORD, I believe they have undertaken to act fairly and conscientiously in this matter, but I attribute their action to a lack of judgment, [laughter]—I say it is remarkably strange that the committee have cut down the messengers of this House subject to the Doorkeeper to $500 for the next year, while they retain the salary of their own messenger at $1,200 a year. Why is this distinction made? That part of the bill having been already passed, I need say nothing further on that point.

There is another thing. I admit the value of the services of the clerk of the Committee of Ways and Means and the clerk of the Committee on Appropriations, but why has their salary been reduced only $100 each, while the salaries of these reporters have been cut down $500, and that of your assistant journal clerk reduced from $3,600 to $2,250? I will not charge this to favoritism on the part of the committee, but I affirm before this House—because I am justified in so doing—that it is an improper and unjust distinction to make between public functionaries discharging their duties equally well.

Mr. RANDALL. Will the gentleman allow me to tell him the reason?

Mr. DURHAM. The gentleman has had his time; I hope he will permit me to proceed without interruption. If the gentlemen on that committee will cut down their own messenger and their own clerk, as they have undertaken to cut down the clerks in this House who have proved themselves to be faithful and able, then I will go for the whole bill as it now stands. But I do undertake to say that the bill in its present form makes an invidious discrimination which I cannot support and at the same time sustain myself before the country. When we have reduced our own salary at the rate of only 10 per cent., as has been stated by the honorable gentleman from Tennessee, and have cut down the compensation of some of these clerks to the extent of 27 and 30 per cent., or more, I say we cannot go before the country on a record of that sort. To make so great and disproportionate a reduction in the pay of these clerks, and a still larger reduction in the pay of these laboring-men who stand about the doors of this Hall from morning to night, is, I say, an unfair and invidious distinction which this House ought not to tolerate.

[Here the hammer fell.]

Mr. BLOUNT. Mr. Chairman, I regret that same gentleman has seen fit to turn this discussion into an attack upon the committee. The honorable gentleman from Tennessee [Mr. HOUSE] commenced his remarks by comparing the reduction of the pay of members of this House with that of our employés. It occurs to me, sir, and doubtless it did to every other gentleman, that the honorable gentleman from Massachusetts was correct in stating they were upon a different footing. The simple statement of the fact commends itself to the good sense of this intelligent body.

Now, sir, we will come to the employés of this House. The gentleman says he cannot consent to strike his pay down only 10 per cent. and cut down the employés of this House a far greater amount. It is well known by old members by reason of the employés, being in constant contact with members, that the service here has advanced with more rapid strides so far as pay is concerned than in any other department of the Government. Finding this to be true, an appeal was made to the committee that the employés of this House, just as the employés in the various Departments of the Government, should have their pay fixed upon some business principle. We compared them with the employés in the several Departments of the Government and endeavored to reduce them according to what we found to be the rate of compensation paid to those employés. We have not gone beyond that, notwithstanding the employés in the other Departments of the Government are continued in service from the beginning to the end of the year.

If gentlemen cannot find any other reason than that to charge this committee with having acted inconsistently, with having cut down their salary 10 per cent. while they have cut down that of the employés of this House 37 per cent., it does not show they are very earnest in assisting the committee in moving toward economical administration. I regret very much such attacks should have been commenced here. I had hoped this House, so far as its own employés are concerned, would be able to stand the test that they mean genuine retrenchment.

There is no one who regrets to do a service of this kind more than I do; but when I remember the purpose of this bill is to save $5,000,000 to the people of the country, and that other like bills to come after it are to save still more to the people, I will not hesitate to strike in that direction even if I strike my own friends.

[Here the hammer fell.]

Mr. TOWNSEND, of New York. Mr. Chairman, I wish to move an amendment to provide for the engineer of this House. In regard to the other questions, I propose to leave them to my friends on the other side in politics.

Now, among the curiosities that I have witnessed at Barnum's nothing has ever pleased me more than the "happy family." [Laughter.] But I certainly on the occasion of my visit to Barnum's, or here, would not wish to enter into the felicities of either. [Laughter.] But in regard to this engineer; he is a public benefactor. [Laughter.] It would be doing injustice to my own feelings, enjoying the pleasure he has given me while sitting in this House, to be silent when his compensation is in question. We have had all the pleasure of a Russian bath here. [Laughter.] The air at one moment we are in session is coming in at 110°, and twenty minutes after we have been brought into a profuse perspiration by the hot air that has been poured in upon the House we have the air blown in at a temperature of about 50°. [Laughter.] We can afford to pay for pleasures of this kind. [Laughter.] There is a sensation in our limbs, in our backs, in the mucous membrane, I feel to-night which I have not felt for the last eight and thirty years, that certainly calls upon us for some notice of the achievements of this individual. [Laughter.] There is not a doctor in the city of Washington who is not under obligations to him, and the dealers in linen pocket-handkerchiefs ought to contribute something to the salary of this gentleman. [Laughter.] I think, sir, his salary should be at least $2,500.

Mr. BLACKBURN. I trust, Mr. Chairman, that it will not be necessary for me to attest by word the appreciation in which I hold the efforts of this Committee on Appropriations. From the beginning of this session until now the RECORD will show I have voted for every measure that committee has ever brought into the House. I have voted against any amendment that has been offered to any of their bills unless the committee accepted and approved it. I regret I am now called upon, in the discharge of what to me appears the plainest imaginable duty, not only to enter my protest by vote but to give it by voice against a bill which, with all due respect and proper appreciation for the effort that committee has made, appears to me to be undefinable and insupportable, either upon the score of principle, of precedent, or of consistency. In neither the one nor the other of

these regards can the gentlemen of that committee support or maintain their present position before this House.

I will not go over the ground already traveled to show that there is no principle in this bill, in saying which I do not mean to impugn the motives of that committee at all. Starting out with a flourish of trumpets in reference to the 10 per cent. general reduction, we find them at sea on every section of their bill, their principle ignored and disregarded in practice. It is not only that we are least of all the sufferers by reason of these reductions that I protest. It is not alone because, as has been well said by the gentleman from Tennessee, [Mr. HOUSE,] I am not willing to go before my people or before the country as a party to the reduction of salaries that costs me, one of the law-making power, but 10 per cent., while it costs the victims of that law-making power 30 or rather nearly 40 per cent.

It is not that alone. But, sir, upon the ground of precedent the gentlemen of the committee cannot defend their bill. I ask any member of the Committee on Appropriations to tell me when in the history of an American Congress the journal clerk of its House and the Chief Clerk of its House in point of pay were ever before subordinated to a clerk of a Ways and Means Committee or a clerk of an Appropriation Committee? Here is $2,440, I believe, given to each of the clerks of these two committees, and $2,250 is allowed the journal clerk at that desk and to the Chief Clerk of this House. And you find the messengers of this House, some of whom are forced to remain here during the year, brought down to $500, while the messenger of the Ways and Means Committee and the messenger of the Appropriation Committee are left at $1,200.

Worse than that, sir; this bill is not consistent. In one feature at least it is not a reducing bill at all, but it is a bill for a raising of salaries. I refer to line 169, on page 8. I find there, sir, that the paying-teller for the Sergeant-at-Arms is to have $2,000 by the bill. But looking at the appropriation act for the current year I find that the salary of that officer to-day is $1,800. That was the salary fixed for that officer by the bill making appropriations for the legislative, executive, and judicial expenses of this Government passed one year ago. This bill, in the line to which I have referred, raises his salary to $2,000. I was amazed to find that these gentlemen in their retrenchment——

Mr. CALDWELL, of Alabama. I find in the Official Register that the salary of that officer is stated at $2,500.

Mr. RANDALL. His salary is $2,100. That is what he received last year.

Mr. EDEN. I would like to call the attention of the gentleman from Kentucky——

The CHAIRMAN. Does the gentleman from Kentucky yield further?

Mr. BLACKBURN. O, certainly.

Mr. EDEN. I would like to call the attention of the gentleman from Kentucky to the fact that when the appropriations for the clerks of the Senate were under consideration there was no complaint about a reduction of salary. It is only when it comes to a proposition to reduce the pay of the clerks of this House that the gentleman from Kentucky complains. The amendment of the gentleman from North Carolina [Mr. WADDELL] will give the clerks of this House a larger compensation——

Mr. BLACKBURN. I cannot yield further if this is to be taken from my time. If gentlemen will turn to the Statutes at Large for the Forty-third Congress, page 346, they will find that I certainly am supported by the declaration of the law in the statement which I have made. I find there in the statute this line:

Paying teller of the Sergeant-at-Arms, $1,800.

Mr. O'BRIEN. In support of the statement of the gentleman from Kentucky I may say that I hold in my hand the official copy of an appropriation bill passed at the last session of Congress, and the salary of that officer is there fixed at $1,800.

Mr. RANDALL. I have the authority of the Sergeant-at-Arms for stating, and his statement accords with my own recollection, that the present salary of that officer is $2,100.

Mr. BLACKBURN. Very well. If I am allowed to proceed I will say that if that paying teller of the Sergeant-at-Arms, who by the law passed last year is only entitled to $1,800, has been receiving $2,100, by reason of any subsequent appropriation made in his behalf, then the bill offered by the committee, according to their own statement of his salary, which does not agree with the law as I have quoted it, makes only a reduction of $100 out of a salary of $2,100.

Now I do say that it is clear to every member on this floor that that principle of 10 per cent. reduction has been abandoned. It is perfectly patent to every member of this House that on the score of precedent nothing is to be found that will warrant the subordination of the chief clerks of this House in point of pay to some of the clerks of its committees.

[Here the hammer fell.]

Mr. BLACKBURN. Just one word more. Let me say in justice to the honorable chairman of the Committee on Appropriations that my attention is called to an addition of $300 made to the salary of the paying teller of the Sergeant-at-Arms. That leaves a reduction of but $100.

Now, Mr. Chairman, if these reductions are to be made, let us at least bear our fair portion of the burden. If the Government is not able to pay out the money that has been expended for these purposes heretofore let us make that reduction so far as we can without impairing the working efficiency of the service of this House, and let there be a *pro rata* reduction of the salaries of members on this floor; not excusing ourselves under a mere nominal reduction and leaving it to fall with full weight on these men who are unable to be heard.

Mr. WADDELL. I call for a vote on my amendment.

Mr. RANDALL. In reference to the question which has been mentioned by the gentleman from Kentucky, [Mr. BLACKBURN,] I want to say this, that we took into consideration the fact that this officer, the paying teller of the Sergeant-at-Arms, handles a million and a half of dollars a year, and we thought that $2,000, as the office is a responsible place, was not too large. We felt that it was not just to the Sergeant-at-Arms, who is responsible for the acts of his subordinates in connection with the handling of more than a million and a half of dollars, to reduce the salary too low; we had to discriminate.

An allusion has been made to the expense proposed now as compared with the years 1860 and 1861 or thereabouts. It was perhaps before the advent of the republican party into this Hall as a majority. In 1860, as will be seen in volume 12 of the Statutes at Large, page 93, the compensation of the officers, clerks, &c., of the House was $81,000; in 1861, as will be seen by volume 12 of the Statutes at Large, page 134, it was $95,000. Now even this bill appropriates more than double what the amount was in 1860, to wit, $173,000.

For myself, I have no earthly doubt that the House can be properly officered under the provisions of the bill.

Now, mark you, this bill does not take effect until the 1st of July next. We run these officers, as I have said before when the Senate branch was under discussion, five months nearly when they are doing no work. They then come here for four months, and they again run at the same rate for nine months without doing any service whatever. They run until the December after the 1st of July next, a period of seventeen months of pay with only four months' service. We give them four months' pay for the short session, because they have to spend two weeks in coming here and two weeks in going away; and if we should find that at the next session of Congress the House cannot be run at this cost, it will be time enough then to create temporary clerks to provide for the necessity.

Mr. GARFIELD. Mr. Chairman, I do not wish to take any part in any family quarrel at all, but I see that there is a matter of difference between gentlemen on the other side, and I wish to point to the fact that the increase in the salary of the paying teller of the Sergeant-at-Arms arose in this way. The salary was $1,800, but when the corresponding bill to this was considered a year ago, the gentleman from Pennsylvania, [Mr. RANDALL,] the present chairman of the Committee on Appropriations, moved to increase it to $2,100 and made a speech in favor of it, but that amendment was defeated. Subsequently, on his motion, in another bill, an additional $300 was put on, and the salary is now $2,100.

I wish to say, however, in this connection, Mr. Chairman, that I feel it my duty, notwithstanding the peculiarly changed positions in which the gentleman from Pennsylvania and myself are placed, which is a little curious in many ways, to give my testimony as to what I consider the unwise reduction of the force about this Capitol, and particularly in the Clerk's department, in this bill.

Last year and the year before I did what I could to reduce the salaries of our leading clerks before us, and the persons connected immediately with us about the Capitol, and all this ground was fully gone over; but chief among those who resisted my views on that occasion, and on all those occasions in the two years past, was the present chairman of the Committee on Appropriations, [Mr. RANDALL.] The appropriation bill corresponding to this at the last session of Congress was defeated in four committees of conference, and only succeeded in passing in a fifth conference, chiefly because of the ability and persistence with which the gentleman from Pennsylvania insisted on keeping up or rather putting up the pay of the leading clerks in the employ of the Clerk of this House.

Mr. RANDALL. Allow me one word; you put millions into that bill.

Mr. GARFIELD. I must decline to yield until I have concluded what I have to say. Now let all that go by. The gentleman had his triumph and I had my defeat on that question. I have no doubt that the real true position that the House ought to take lies somewhere between my ground then and the ground of the gentleman from Pennsylvania now. Politically of course I can have no interest in this question, but I am here to say that in four years' experience in studying the wants of this House and the officers necessary to carry on its business this bill as it now stands is, in my judgment, a crippling of the necessary force to take care of the great and important business about this House. The force is reduced lower than we ever had it for fifteen years both in amount of the force and in the pay to that force.

For example, in reference to the clerical force: The pay of some of these clerks who sit before us was put up by the gentleman, for two of them to $3,600 and two of them $3,010 regular pay and $600 longevity pay, and the salaries of these officers are now reduced to $2,500, and five other clerks next to them in rank, whose pay was put up against my will to $3,000, (it ought to have been no more than $2,600,) are now cut down to $2,200.

I believe, Mr. Chairman, that the pay proposed by this bill for a

large number of the employés of the House is too low, and I am very clear and certain that the number allowed is too low for the careful and proper transaction of the important business about this House.

Now let me say a word before the hammer falls in regard to a point made by the gentleman from Missouri, [Mr. WELLS,] in regard to folders. The number of people required to fold documents is always an uncertain quantity. In a year like this, with a Presidential election pending, you may have an enormous mass of documents to be folded. Next year you may not have the one-fortieth part of the documents to be folded that are folded this year. Therefore you cannot say just how many people will be needed to do the folding. It has been the custom for years to put a number of names on the roll of the folding-room, and when they are not needed for folding they are employed for clerical services, in positions about the House. Those on the rolls of the folding-room may do folding work or clerical work, as the necessities of the case may require.

[Here the hammer fell.]

Mr. WELLS, of Missouri. So much has been said in regard to the proposed reduction in the clerical force of this House, that I will move to strike out the last word of the amendment for the purpose of having an opportunity to make a few remarks.

As I have already stated, there have been only five clerks stricken from the rolls of the Clerk's office of this House. The Clerk himself without hesitation agreed to striking off that number. Those clerks are the assistant journal clerk, assistant enrolling clerk, resolution and petition clerk, assistant newspaper clerk, and the index clerk. That is all the reduction made in the force of the Clerk's office by the Committee on Appropriations in this bill. He has made no complaint, except in the case of one, may be two, of these assistant clerks; if he could have them returned to him he would have been satisfied.

The two additional laborers for the Clerk's office are all he claims. This bill provides for seventeen laborers for the Doorkeeper and ten laborers for the Clerk's office, making twenty-seven in all. The Clerk himself made some complaint before the subcommittee; but when we called his attention to the fact that he was receiving $7,300 a year as salary and perquisites, he concluded to say no more on that subject. Now to show how this has been made out, let me say that we found that the Clerk was allowed besides his regular salary a certain amount for disbursing the funds in his charge, and also certain allowances for horses. No casual observer can take up an appropriation bill and the laws relating to the Clerk's office and come to any other conclusion than that the Clerk of this House receives $7,300 annually at the present time.

The Clerk now receives an annual salary of $4,320. As disbursing officer of this House he receives in addition $576, and he receives $2,737.50 for three horses, for which the Government provides a stable, a hostler to take care of them, and a driver to drive them. All the expense the Clerk is to for the three horses is for shoeing and feeding them. After paying all those expenses, he receives altogether $7,300 a year. It is likely he would be glad to have his compensation continued at that rate.

So far as the salaries of some of these clerks are concerned they might, perhaps, be raised slightly from the amounts proposed in this bill, but not, in my opinion, to the extent proposed by the gentleman from North Carolina, [Mr. WADDELL.] So far as the number is concerned, that might be increased by one. But what is the fact? The Clerk not only wants his office filled up with clerks sitting there doing nothing, but he wants a messenger or servant at each door at the bidding of every clerk in his employ.

It is not only in this House that this kind of organization is in vogue; it is to be found all over Washington. You cannot go to a hotel or a boarding-house without finding an organization of force like the one that is here fighting this appropriation bill. I am sorry to see members of this House who may have friends here, people from their districts or States, rising here and endeavoring to carry out the wishes of these officials of the House. Many of these officers I know personally; but if they were my blood relations I would not stand here and advocate their cause to the detriment of the interests of the people of this whole country.

[Here the hammer fell.]

Mr. RANDALL. I move that the committee now rise.

Mr. FOSTER. I hope the gentleman will withdraw that motion for a moment, until I can make a brief statement.

Many MEMBERS. Regular order.

The CHAIRMAN. The regular order is the motion that the committee now rise

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. COX reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being a bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

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

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

PETITIONS, ETC.

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

By Mr. ADAMS: The petition of Messrs. Van Heusen, Charles & Co. and others, for a uniform rate of duty of 30 per cent. upon crockery, china, glassware, &c., to the Committee of Ways and Means.

By Mr. GUNTER: Memorial of Cave Hill College, Arkansas, for compensation for college building destroyed by United States troops, to the Committee of Claims.

By Mr. HOPKINS: Remonstrance of workingmen in the employ of the United States Iron and Tin Plate Company, of Pittsburgh, Pennsylvania, against a reduction in the tariff, to the Committee of Ways and Means.

Also, remonstrance of 350 workingmen in the iron-mills of Lewis, Oliver & Phillips, of Pittsburgh, Pennsylvania, of similar import, to the same committee.

Also, remonstrance of workingmen in the iron-mill of Moorhead & Co., of Pittsburgh, Pennsylvania, of similar import, to the same committee.

Also, remonstrance of workingmen in the iron-mill of Anderson & Woods, of Pittsburgh, Pennsylvania, of similar import, to the same committee.

By Mr. HOOKER: The petition of D. W. Booth, M. D., for compensation for the ground upon which stands the Grant and Pemberton monuments, to the Committee on War Claims.

By Mr. JENKS: Memorial of citizens of Pennsylvania, against any change in the existing tariff laws, to the Committee of Ways and Means.

By Mr. JONES, of Kentucky: Memorial of citizens of Kentucky, that proper measures be taken for the release of E. O'M. Condon, a citizen of the United States now held a prisoner by the government of Great Britain, to the Committee on Foreign Affairs.

Also, joint resolution of the Legislature of Kentucky, requesting the Representatives in Congress from that State to take such steps as will secure the release of E. O'M. Condon, a naturalized citizen of the United States imprisoned by the British government, to the same committee.

Also, the petition of the owners of steel and iron works and workingmen engaged therein, in Kenton County, Kentucky, protesting against any change in the existing tariff laws, to the Committee of Ways and Means.

By Mr. LAPHAM: Resolutions of the common council of New York City, favoring the improvement of Harlem River and Spuyten Duyvil Creek, to the Committee on Commerce.

By Mr. O'NEILL: Resolutions of the Philadelphia Board of Steam Navigation, remonstrating against the bill to re-organize the Light-House Board, to the Committee on Commerce.

By Mr. O'BRIEN: Two petitions of wholesale druggists of Baltimore, for the definition of the powers and duties of officers of the internal revenue and to further provide for the collection of the tax on distilled spirits, to the Committee of Ways and Means.

By Mr. POWELL: The petition of A. J. Muchant and 500 citizens, and of Mrs. A. J. McIntyre and 683 ladies, for the appointment of a commission to investigate and report the general effects of the liquor traffic on the United States and for other purposes, to the same committee.

By Mr. SMITH, of Pennsylvania: Remonstrance of citizens of Lancaster County, Pennsylvania, against changing the tariff laws, to the same committee.

By Mr. SWANN: Memorial of J. O. Peck, M. R. Creighten, V. H. Thompson, and 237 other citizens of Baltimore, Maryland, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, and to prohibit its sale in the District of Columbia and Territories, to the same committee.

By Mr. THOMAS: The petition of citizens of Maryland, importers and dealers in crockery, china, and glass ware, for a reduction of duties thereon, to the same committee.

By Mr. TOWNSEND, of New York: Remonstrance of a convention of delegates representing the seven yearly meetings of the religious Society of Friends in the States of New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Ohio, Indiana, Illinois, and Iowa, against the transfer of the care of the Indians to the War Department, to the Committee on Appropriations.

By Mr. VANCE, of North Carolina: The petition of R. L. McConnaughey, for compensation for carrying the United States mail in North Carolina in 1866, to the Committee of Claims.

By Mr. WALDRON: A paper relating to a post-route from Milan, via York and Saline, to Ann Arbor, Michigan, to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS, of New York: The petition of James Rogers, John Hargroves, and 101 others, that no change be made in the tariff laws at this time, to the Committee of Ways and Means.

Also, the petition of A. B. Wood and 54 others, of similar import, to the same committee.

By Mr. WILSON, of Iowa: The petition of citizens of Blairstown, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.